

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 23rd day of February 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

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

Pledges of Allegiance to the United States and Texas flags: Judge Lux introduced Benjamin Hirsch, an Eagle Scout with the Boy Scouts of America, who led the Pledge of Allegiance to the United States Flag.

2. A Public Hearing was held regarding the submission of a nomination form to the Texas Economic Development Bank to designate Fifty Door Partners LLC dba AJW Architectural Products as an enterprise project in the Texas Enterprise Zone Program. The following people spoke:

- Dan Rogers, President of the Kendall County Economic Development Corporation
 - Martha Drake, Grantworks
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3. The following Service Awards were presented:

- 35 years of service: Denise Maxwell, County Clerk's Office
 - 40 years of service: Darlene Herrin, County Clerk
 - 40 years of service: Frank Brussel, Jr., Road & Bridge
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4. Employee Introduction / Recognition:

- Brenda Bell, Health Sanitarian, introduced the newly hired Health Inspector, Maria Valpeoz.
 - Later in the meeting Sheriff Al Auxier introduced the newly hired Jail Administrator, Robert Green.
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5. Benjamin Hirsch, Eagle Scout with the Boy Scouts of America, gave a report of Scouting's local impact in 2014.

6. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for February 9, 2015.

Motion was made by Commissioner Fincke, 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 Monthly Reports for January 2015 (on file).

Motion was made by Commissioner Fincke, seconded by Commissioner Steubing, 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 claims for purchases, services and vendors (on file).

Motion was made by Commissioner Fincke, seconded by Judge Lux, and carried by a vote of 5-0 with Commissioner Elkins abstaining from any matters related to GVTC.

9. Randy Plummer, Gail Hathaway, Melissa De La Cruz, and Marti Ashcraft presented an overview of Workforce Solutions Alamo and the services they provide for Kendall County.
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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 02-23-2015 concerning the County's participation in the Texas Enterprise Zone Program pertaining to AJW Architectural Products with the additional highlighted items pending approval by the County Attorney's office (attached).

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

11. PUBLIC COMMENTS:

- Richard Wagner spoke about a mailbox on Upper Cibolo Creek Road for a Rocky Top Road residence.
 - Jacques DuBose, Executive Director for American Red Cross, spoke about March being American Red Cross Month and the kickoff of the Heroes Campaign.
 - Alan Smith, Lori Agold-Rich, Mike Luckey, Earl Smith, and Mary Himlin spoke during agenda item #12 pertaining to the Southern Edwards Plateau-Habitat Conservation Plan.
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(The following agenda item #12 was addressed again prior to agenda item #19)

(The following people spoke during agenda item #12: Alan Smith, Lori Agold-Rich, Mike Luckey, Judge Lux read a letter from Bexar County Judge-Nelson Wolff, Earl Smith, and Mary Himlin)

- 12-1. Action was delayed on the proposed Resolution concerning the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP) until a revision could be made by a group comprised of the public speakers and the County Attorney. The group left the courtroom to meet in a nearby conference room.
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13. No action was taken on reinstating the burn ban. It is still off.
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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 Kendall County employees to participate in the two-hour "Do Well Be Well with Diabetes" educational program and to give the employees the extra hour during lunch to attend.

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

15. No action was taken on the application for the Texas Comptroller Leadership Circle award for on-line transparency in local government.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proceed with negotiations with MJ Boyle for the Construction Management at Risk for the remodel of the EMS facility.

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

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve October-December 2014 (1st Quarter FY 2015) Investment Report (attached).

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

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the November and December 2014 Cash Summary reports (attached).

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

(The following agenda item #25 was addressed out of sequence)

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to deny the request for relief from Section 300.1100 of the Kendall County Development Rules and Regulations for minimum road frontage and lot density (Township of Comfort - 431 Highway 27, Schatzie Norris).

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

(The following agenda item #12 was addressed earlier in proper order in Open Session)

12-2. No action was taken on the proposed Resolution concerning the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP) until a revision is made by the following committee: Mike Luckey, Alan Smith, Earl Smith, Mary Himlin, Derek Rich, Commissioner Pfeiffer and Commissioner Elkins.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2015-2016 Resolution for the Crime Victim Assistance/Advocacy Project grant application (attached).

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize free mulch for Kendall County residents effective immediately through the end of March and until further notice. Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request for relief for Cordillera Ranch Subdivision, Unit 207D, from the 1990 Kendall County Regulations, Rules and Specifications for Roads and Subdivisions as follows: (1) use a prime coat in lieu of a one-course surface treatment; (2) use a 60-foot right-of-way for Clubs Drive with a 29-foot pavement width in lieu of a 36-foot pavement width; (3) allow utilities (water, sewer, electric and telephone) within the road right-of-way in lieu of them being in a utility easement; and (4) use a 6-inch roll curb 24 inches wide in lieu of the standard 7-inch curb. Motion was made by Commissioner Elkins, seconded by Commissioner Fincke, and carried by a vote of 5-0.

22. 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 207C, in accordance with the 1990 Kendall County Regulations, Rules and Specifications for Roads and Subdivisions. The proposed subdivision will consist of 20.86 acres, 12 residential lots, and 635 linear feet of roadway for a density of 1.74 acres per lot and will be served by a central water and sewer system. Motion was made by Commissioner Elkins, seconded by Commissioner Steubing, and carried by a vote of 5-0.

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Tapatío Springs Subdivision, Unit 1, Block 6, Lots 1, 2, 13 and 14 into Lot 1A in accordance with Section 209 of the Kendall County Development Rules and Regulations. Motion was made by Commissioner Fincke, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Lot 134R, Tapatío Springs, Unit 18 (Garden Home Subdivision), Phase I, in accordance with Section 209 of the Kendall County Development Rules and Regulations to change the front building setback from 25 feet to 20 feet.

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

(Agenda item #25 was addressed out of sequence earlier after agenda item #18)

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the job descriptions for Deputy Voter Registrar as a Grade 7 and Deputy Elections Administrator as a Grade 10 (attached).

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

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution for the Kendall County Sheriff's Office grant application for the Watch Guard In-car Video System upgrade project (attached).

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

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Kendall County Sheriff's Office Racial Profiling Report (attached).

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

29. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Racial Profiling Report for Constable Precinct 4 (attached).

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

Judge Lux noted that Constables for Precincts 1, 2 and 3 filed exemptions for Racial Profiling Reports.

30. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution in support of making hyperbaric oxygen therapy available for Texas veterans (attached).
Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

31. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve temporary office space for the IT Specialist on the first floor of the Historic Courthouse, first room on the right, and permanent office space assignment in the remodeled Commissary.
Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 5-0.

32. The Road Superintendent presented a summary of activities for Road & Bridge for January 2015 (attached).

33. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Service Provider Agreement for Credit/Debit Card Processing through Certified Payments for the County Clerk's Office (attached).
Motion was made by Commissioner Fincke, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

34. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Service Provider Agreement for Credit/Debit Card Processing through Certified Payments for the District Clerk's Office (same agreement as for agenda item #33).
Motion was made by Commissioner Elkins, seconded by Commissioner Steubing, and carried by a vote of 5-0.

At 11:26 a.m. the Court closed Open Session, took a break and at 11:37 a.m. 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

- 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 Veterans Service Officer
 2. Duties and responsibilities of the Sheriff's Office
 3. Duties and responsibilities of the Elections Office
 4. Duties and responsibilities of the Road Superintendent
 5. Duties and responsibilities of the Department Heads regarding employee performance reviews

At 12:11 p.m. the Court recessed Executive Session for lunch and at 1:38 p.m. resumed Executive Session.

At 5:05 p.m. the Court closed Executive Session and resumed Open Session and being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 9th DAY OF MARCH A.D., 2015.

ATTESTED: 
COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS