

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 February 2016.

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

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.

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 8, 2016.

Motion was made by Commissioner Fincke, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.

3.      The following Service Awards were presented:

- 5 years of service: Carrie Tyner, County Treasurer's Office
- 15 years of service: Robert Olson, Road & Bridge Department

4.      The report highlighting Boy Scouting's local impact in 2015 was not presented.

5.      THE STATE OF TEXAS

COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim March 2016 as Texas History Month in Kendall County (attached).

Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.

6.      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 2016 (on file).

Motion was made by Commissioner Fincke, seconded by Commissioner Carpenter, and carried by a vote of 4-0.

7.      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 4-0.

8.      THE STATE OF TEXAS

COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with KMAC Construction Services, Inc. for demolition services at the EMS facility.

Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 4-0.

9. No action was taken on lifting the burn ban. It is still on.
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10. PUBLIC COMMENTS:

- Tana Kehoe spoke about county-maintained road mileage.
  - Richard Chapman spoke during agenda item #22 concerning fire code and tree trimming on Someday Dr.
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11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 02-22-2016A authorizing the Kendall County Judge to execute an interlocal agreement with the Texas Department of Transportation (TxDOT) concerning inspection services on Herff Road Phase II (attached).

Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.

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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 relief from road frontage and platting requirements for the proposed division to create a 0.320-acre tract out of a 25.494-acre parent tract at 362 Bentwood Drive and adding the following requirement: "The property will be restricted for use as the operation and maintenance of a cell tower and may not be used for residential purposes unless the property is annexed into the city limits of Boerne, Texas, and otherwise complies with all other requirements of a platted residential lot."

Motion was made by Commissioner Pfeiffer, seconded by Commissioner Carpenter, and carried by a vote of 4-0.

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13. No action was taken on the request for relief from road frontage and platting requirements for the proposed division to create two tracts of 10.799 acres with the remainder of 20± acres (238 Holiday Road, Glenn Lindner).
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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 renewing letters of credit for Cordillera Ranch:

Unit 301A – Utilities in the amount of \$579,724.00 and Road & Drainage in the amount of \$706,696.00

Unit 301B – Utilities in the amount of \$276,044.00 and Road & Drainage in the amount of \$438,661.00.

Motion was made by Commissioner Pfeiffer, seconded by Commissioner Fincke, and carried by a vote of 4-0.

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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution and Order No. 02-22-2016B as it pertains to the Tax Abatement Policy (attached).

Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 4-0.

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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 Cash Summary for November 2015 (attached).

Motion was made by Commissioner Fincke, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.

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17. The County Treasurer presented the Sales Tax Report.
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18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare the items as presented as surplus and salvage property and proceed with the disposition through an online County auction (attached).

Motion was made by Judge Lux, seconded by Commissioner Carpenter, and carried by a vote of 4-0.

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19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the bid for roadway and drainage improvements for AJW Architectural Products, Texas Capital Fund CDBG grant #7215022 to Clearfield Construction, LLC.

Motion was made by Commissioner Carpenter, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.

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20. The County Auditor presented the FY15 Jail Commissary Audit as required by Local Government Code 351.0415.
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21. The Road & Bridge Supervisor notified the Court of the schedule change to a 4-day workweek, Monday through Thursday, from 6:30 a.m. to 5:00 p.m. starting April 3, 2016.
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(The following person spoke during agenda item #22: Richard Chapman)

22. The summary of road activities by Road & Bridge for January 2016 was presented (attached).
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23. The summary of activities by the Operations Department for January 2016 was presented (attached).
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At 9:45 a.m. the Court closed Open Session, took a break, and at 10:00 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. Deliberate participation in hearing before Texas Commission on Environmental Quality (TCEQ) concerning application of Trio Residential Developers, Inc.
- 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. Capital improvements / real estate
- 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 Adult Probation
  2. Duties and responsibilities of the County Auditor
  3. Duties and responsibilities of the County Engineer
  4. Duties and responsibilities of the County Attorney
- IV. The Court will meet in Executive Session pursuant to Section 551.087 to discuss or deliberate regarding commercial or financial information that the Kendall County Economic Development Corporation ("KCEDC") has received from a business prospect that the KCEDC seeks to have locate, stay, or expand in Kendall County and with which the KCEDC is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

At 12:30 p.m. the Court closed Executive Session and at 12:36 p.m. 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 authorize the employment of an attorney to appear at the Texas Commission on Environmental Quality (TCEQ) preliminary hearing in Austin, Texas, on March 9, 2016 concerning the application of Trio Residential Developers, Inc. to discharge 140,000 gallons of wastewater per day via surface irrigation of 40.5 acres at the north right-of-way of Ammann Road at its intersection with Rolling Acres Trail in Kendall County.

Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 4-0.

## II-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge to proceed as discussed in Executive Session concerning real property.

Motion was made by Commissioner Pfeiffer, seconded by Commissioner Carpenter, and carried by a vote of 3-0-1 with Judge Lux abstaining.

## IV. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the tax abatement requested from an LLC dba Mark Motors.

Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 4-0.

Being no further business, the meeting was adjourned at 12:38 p.m.

EXAMINED AND APPROVED THIS 14th DAY OF MARCH A.D., 2016

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS