

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 27th day of December 2016.

Present: DARREL L. LUX, COUNTY JUDGE  
MIKE FINCKE, COMMISSIONER, PCT. #1  
RICHARD W. ELKINS, COMMISSIONER, PCT. #2  
TOMMY PFEIFFER, COMMISSIONER, PCT. #3  
CHAD CARPENTER, 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 Pastor Jim Holt, Comfort Baptist 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 December 12, 2016.

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

3. Introductions / Recognitions:

Judge Lux recognized the following individuals for their years of service in Kendall County:

- Milburn Dearing, Constable Precinct 2
- Bob Eason, Assistant County Attorney
- Don Allee, County Attorney
- Chad Carpenter, Commissioner Precinct 4
- Mike Fincke, Commissioner Precinct 1

4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve appointing the list as submitted of current Historical Commission members and five additional people (attached).

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

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 November 2016 (on file).

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

7. No action was taken on reinstating the burn ban. It is still off.

8. PUBLIC COMMENTS:

- Robert Imler said he would submit a Public Information Request concerning agenda items #25 & 26.



## 9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Lots 24 and 25, Block A, Cordillera Ranch, Unit 206A-2 in accordance to Section 209 of the Kendall County Development Rules and Regulations for the purpose of combining Lots 24 and 25 to create Lot 24A (William S. and Suzanne E. Pepe).

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

10. (9:19 a.m.) A Public Hearing was held on the application filed by Bob Koricanek for Dos Mijos Ranch, LLC for the proposed revision of the subdivision plat for Tapatio Springs, Unit 1, Block 6, Lot 1A filed in Vol.7, Pg.322 of the plat records of Kendall County, Texas. The proposed plat revision will create two lots out of a previously combined four lots by amending plat. No one from the public spoke.

## 11. 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 density in accordance to Section 300.1100 of the Kendall County Development Rules and Regulations for a proposed division to create two  $\pm 1.1$ -acre lots served by central water and central sewer – Tapatio Springs, Unit 1, Block 6, Lot 1A (Bob Koricanek).

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

12. (9:24 a.m.) A Public Hearing was held on the application filed by Gustavo Garcia-Siller, Archbishop of San Antonio, for the proposed revision of the subdivision plat for Comfort Outlot 60B filed in Vol.3, Pg.301 of the Plat Records of Kendall County, Texas. The proposed plat revision would create two lots out of Comfort Outlot 60B. No one from the public spoke.

## 13. 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 density, lot size and frontage in accordance to Section 300.1100 of the Kendall County Development Rules and Regulations for the proposed division to create a  $\pm 0.17$ -acre lot and  $\pm 16.0$ -acre lot where the  $\pm 0.17$ -acre lot would be used for the construction of a well by Kendall County WCID #1 – Comfort Outlot 60B (Gustavo Garcia-Siller).

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

(Agenda items #14-15 were addressed after agenda item #17)

16. Commissioner Fincke gave a status report on the EMS Building Project.

## 17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the repair to the tub grinder for \$25,341 plus \$3,785.79.

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

(The following agenda items #14-15 were addressed out of sequence)

14. (9:45 a.m.) A Public Hearing was held on the application filed by Jeffrey W. and Nancy S. Dockery for the proposed revision of the subdivision plat for Deer Lake Subdivision Lot 9B filed in Vol.3, Pg.242 of the Plat Records of Kendall County, Texas. The proposed plat revision would create two lots out of Deer Lake Subdivision Lot 9B. No one from the public spoke.



## 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 road frontage in accordance to Section 300.1100 of the Kendall County Development Rules and Regulations for the proposed division to create a  $\pm 3.5$ -acre lot and a  $\pm 11.7$ -acre lot for division required by lender. The proposed  $\pm 3.5$ -acre lot would be accessed by an easement for roadway purposes – Deer Lake Subdivision, Lot 9B (Jeffrey W. and Nancy S. Dockery).

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 Kendall County Policy Manual with its revisions (effective January 1, 2017).

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

## 19. No action was taken concerning the transition of the office of the County Attorney to the office of the Criminal District Attorney and General Counsel.

## 20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the addendum to the Intermedix contract to add a fifth laptop computer for a new unit arriving in 2017.

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

## 21. The summary of road activities by Road &amp; Bridge for November 2016 was presented (attached).

## 22. The summary of activities by the Operations Department for November 2016 was presented (attached).

## 23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve paying an Operations employee for Emergency Call Out time.

Motion was made by Judge Lux, seconded by Commissioner Carpenter, 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 bonds for newly elected and re-elected officials.

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

At 10:08 a.m. the Court closed Open Session, took a Break, and at 10:20 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 property, roads and bridges
  2. Civil enforcement action against Volkswagen Aktiengesellschaft, Audi Aktiengesellschaft, Volkswagen Group of America Inc., Audi of America LLC, and other entities for alleged violations of applicable laws and regulations.



II. 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 Commissioners Court
2. Duties and responsibilities of the Fire Marshal
3. Duties and responsibilities of the Criminal District Attorney
4. Duties and responsibilities of the General Counsel

At 12:20 p.m. the Court closed Executive Session and at 12:27 p.m. went into Open Session where the following motions were made:

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint Don Allee as General Counsel at his current rate of pay.

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

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the contingency fund amount of \$145,500 be made available to the 451st Criminal District Attorney.

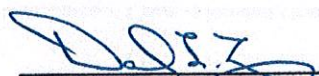
Motion was made by Judge Lux, seconded by Commissioner Carpenter, and carried by a vote of 4-1 with Commissioner Pfeiffer voting against.

Being no further business, the meeting was adjourned at 12:32 p.m.

EXAMINED AND APPROVED THIS 9th DAY OF JANUARY 2017.

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS