

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 January 2017.

Present: DARREL L. LUX, COUNTY JUDGE
 CHRISTINA BERGMANN, COMMISSIONER, PCT. #1
 RICHARD W. ELKINS, COMMISSIONER, PCT. #2
 TOMMY PFEIFFER, COMMISSIONER, PCT. #3
 DON DURDEN, 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 Mitch Rose, City Hills 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 January 9, 2017.

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

3. The following Service Awards were presented:

- 5 years of service: Kelly Vincent
- 10 years of service: Betty Sevey, Justice of the Peace Precinct 1 Office
- 10 years of service: Larry James, Justice of the Peace Precinct 1
- 20 years of service: Don White, Constable Precinct 1
- 20 years of service: Darrel L. Lux, County Judge
- 20 years of service: Roy Laubach, Sheriff's Office

4. Introductions / Recognitions:
 County Auditor Corinna Speer introduced her new employee, Ruby Reynozo.

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 Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0 with Commissioner Elkins abstaining from matters related to GVTC, Commissioner Bergmann abstaining from matters related to Bergmann Lumber and personal reimbursement for education expenses, and Commissioner Durden abstaining from matters related to personal reimbursement for education expenses.

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 December 2016 (on file).

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

(The following agenda item #23 was addressed out of sequence)

23. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the County Auditor to request qualifications of providers to conduct a Comprehensive Classification and Compensation Study.
 Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.
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7. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Ring Mountain Event Center rental package options as submitted with the exception of the Gold Package fee for Kendall County residents to be \$1,100 instead of \$1,200 (attached).
 Motion was made by Judge Lux, seconded by Commissioner Durden, and carried by a vote of 5-0.
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8. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the recommendation regarding the dog park agility equipment (attached).
 Motion was made by Commissioner Durden, seconded by Commissioner Bergmann, and carried by a vote of 5-0.
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9. No action was taken on lifting the burn ban. It is still on.
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10. **PUBLIC COMMENTS:**
- Bob Reinarz spoke during agenda item #21.
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11. (9:27 a.m.) A Public Hearing was held on the application filed by Suzanne Rady Rangel for the proposed revision of the subdivision plat for Shadow Valley Ranch, Unit 3, Lot 30, filed in Volume 1 Page 27 of the plat records of Kendall County Texas for the purpose of creating Lot 30A and Lot 30B out of Lot 30. No one spoke.
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12. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the release of letter of credit #8747400 for Cordillera Ranch, Unit 301A, in the amount of \$706,696.00 for construction of streets and drainage structures.
 Motion was made by Commissioner Pfeiffer, seconded by Commissioner Durden, 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 release of letter of credit #8747630 for Cordillera Ranch, Unit 301B, in the amount of \$438,661.00 for construction of streets and drainage structures.
 Motion was made by Commissioner Pfeiffer, seconded by Commissioner Durden, and carried by a vote of 5-0.
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14. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept letter of credit #9101450 for Cordillera Ranch, Unit 301A, in the amount of \$48,107.00 for construction of FM 3351 deceleration lane.
 Motion was made by Commissioner Pfeiffer, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from the subdivision lot density requirement for the subdivision development at 407 State Highway 46 East with the relief granted based on the representation that sufficient potable water will be provided to the subdivision from an out-of-Kendall County source and there will be no water wells drilled in the subdivision, no production of groundwater from aquifers in Kendall County and no reliance on groundwater from aquifers in Kendall County to provide water to the subdivision. Relief is granted based on the developer/subdivider fully complying with the other requirements set out in Section 300.1100 of the Kendall County Development Rules and Regulations, including the requirements in Note #3 to Section 300 of the Development Rules, and Section 301 of the Development Rules. Notes shall be placed on all master plans and plats of the subdivision, and contained in the deed restrictions and covenants and restrictions of record filed in the County Clerk's office and in deeds conveying any property located in the subdivision prohibiting the drilling of any water wells in the subdivision and prohibiting the conveyance of any lot in the subdivision or the occupation of any building in the subdivision until potable water from an out-of-Kendall County source is available to the subdivision.

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision of Comfort Outlot 60B creating Lot 60B-2 (0.177 of an acre) and Lot 60B-1 (16.003 acres).

Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, 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 the sale of fireworks within Kendall County during time periods in 2017 associated with Texas Independence Day, San Jacinto Day, and Memorial Day with that authority being granted to the County by Section 2154.202(g) of the Occupations Code.

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

(Agenda item #18 was addressed after agenda item #25)

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the letter of support for the Alamo Area Council of Governments (AACOG) and the City of San Antonio's application for the 2016 Complex Coordinated Terrorist Attack Grant for regional exercise (attached).

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

20. Commissioner Durden gave a status report on the EMS Building Project.

(Bob Reinarz spoke concerning agenda item #21)

(Agenda item #21 was addressed after Executive Session)

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Security One for Adult Probation pending approval of changes recommended by General Counsel. Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

(Agenda item #23 was addressed after agenda item #6)

24. The summary of road activities by Road & Bridge for December 2016 was presented (attached).

25. The summary of activities by the Operations Department for December 2016 was presented (attached).

(The following agenda item #18 was addressed out of sequence)

18. Jeffery Fincke, Fire Marshal/EMS Administrator presented the 2016 Report for Fire Service and EMS.

At 11:10 a.m. the Court closed Open Session, took a Break, and at 11:20 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 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.
 3. Request from attorney Mark Jordan
- 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 County Health Sanitarian Office
 2. Duties and responsibilities of the Criminal District Attorney - Civil
- III. Pursuant to Section 551.087 to discuss or deliberate regarding commercial or financial information that the Boerne Kendall County Economic Development Corporation (BKCEDC) has received from a business prospect that the BKCEDC seeks to have locate, stay, or expand in Kendall County and with which the BKCEDC is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

At 1:55 p.m. the Court closed Executive Session and at 1:57 p.m. went into Open Session where the following motions were made:

21. No action was taken concerning a petition for the organization of a water control and improvement district with the proposed name of WCID #4.

I-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept payment in the amount of \$600 as full and final payment for medical expenses owed by Ms. Corbin.

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

II-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the employment of David Sueltenfuss as County Health Sanitarian effective March 6, 2017 at a salary of \$50,000.

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

26. No action was taken concerning the job description for Criminal District Attorney – Civil.

Being no further business, the meeting was adjourned at 2:07 p.m.

EXAMINED AND APPROVED THIS 13th DAY OF FEBRUARY 2017.

ATTESTED: /s/ Darlene Herrin
COUNTY CLERK
KENDALL COUNTY, TEXAS

 /s/ Darrel L. Lux
COUNTY JUDGE
KENDALL COUNTY, TEXAS