

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 10th day of April 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 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 March 27, 2017.

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

3. THE STATE OF TEXAS
 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending the FY2017 budget through new revenue certification and budget adjustments (attached).

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

4. 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 as presented (on file).

 Motion was made by Commissioner Durden, 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 proclaim the month of April as Parkinson's Disease Awareness Month in Kendall County (attached).

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

(The following people spoke during agenda item #6: Matt Diana and John Kight)

6. Information was presented on the proposed Biedenharn Development and proposed Kendall County Water Control and Improvement District by Phil Bakke, developer; Larry Clark, landscape architect and planner; Gilmer Gaston, transportation; and Julianne Kugle, attorney. No action was taken.

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

8. PUBLIC COMMENTS:

- Jeff Fincke, EMS Coordinator, said that the new EMS peak crew has been in operation almost two weeks in the Bergheim area.
- John Sadesky spoke about the entrance to City Lake Park on Upper Cibolo Creek Road.
- During agenda item #6 the following people spoke: Matt Diana and John Kight.
- During agenda item #9 the following people spoke: Ron Cisneros and Charles Riddle.
- During agenda item #14 the following person spoke: Tana Kehoe.

(The following people spoke during agenda item #9: Ron Cisneros and Charles Riddle)

- 9. No action was taken concerning the proposed mixed-use community district and R-4 Multi-Family Residential District at 17 Herff Road, Boerne, Texas.**
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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to release the Subdivision Bond for High Point Ranch, Phase II, for roadway and drainage in the amount of \$924,456.07.

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

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Maintenance Bond for High Point Ranch, Phase II, for roadway and drainage in the amount of \$138,668.41.

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

(Agenda item 12 was addressed after agenda item #13)

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Final Development Plat of Pleasant Valley Business Park in accordance to Kendall County Order No. 06-27-2016A and Sections 203, 204 and 205 of the Kendall County Development Rules and Regulations. The proposed non-residential subdivision would create 17 lots out of 26 acres for an average density of 1.53 acres per lot and 1,563 linear feet of private roadway. The proposed subdivision would be served by a public water supply and on-site sewage facilities.

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

(The following agenda item #12 was addressed out of sequence)

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Cash Deposit Financial Guarantee for Pleasant Valley Business Park in the amount of \$313,045.00 in accordance to Financial Guarantee Cash Deposit Agreement. The Financial Guarantee is for construction of roadway, drainage, detention and public water supply.

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

(The following person spoke during agenda item #14: Tana Kehoe)

14. **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 platting requirements and road frontage in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations for the proposed division to create a ±40-acre tract with access over a 60-foot easement for roadway purposes to Upper Cibolo Creek Road. The relief granted is conditioned on the completion of the improvements to Bella Springs Road and the dedication of that section of Bella Springs Road that is mentioned in the Memorandum of Understanding and Agreement approved by Commissioners Court March 27, 2017.
- Motion was made by Commissioner Durden, seconded by Commissioner Elkins, and carried by a vote of 4-0-1 with Commissioner Pfeiffer abstaining.
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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 the hiring of Bill Ballard as the Assistant Criminal District Attorney-Civil effective June 1, 2017.
- Motion was made by Judge Lux, seconded by Commissioner Bergmann, and carried by a vote of 5-0.
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16. **No action was taken concerning the Victim Services funding reallocation.**
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17. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Racial Profiling Reports for Precinct 3 and Precinct 4 Constables (attached).
- Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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18. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Cooperation Agreement Between Comfort Independent School District and Kendall County.
- Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.
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19. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint Daniel Vetter as the Chairman of the Safety Committee.
- Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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20. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the transfer of the old ambulance unit 280 to the Road & Bridge Department pending submission of all appropriate paperwork to the County Auditor's office.
- Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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21. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve renewing the Physio-Control service agreement for four Life-Pak 15 Monitors and four Lucas CPR devices.
- Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.
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22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Daniel Vetter, Parks Manager, to hire a Parks Maintenance Technician.

Motion was made by Judge Lux, seconded by Commissioner Durden, 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 paying Road & Bridge employees for Emergency Call Out time.

Motion was made by Judge Lux, 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 accept the fiscal year 2016 Annual Audit as presented by Keith Neffendorf.

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

At 11:06 a.m. the Court closed Open Session, took a short break and 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. Commissioners Court authority and obligations concerning subdivisions, county property, roads and bridges
- 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 the County Engineer
 2. Duties and responsibilities of the County Auditor
 3. Duties and responsibilities of the EMS Department
- III. The Court will meet in Executive Session pursuant to Section 551.076 to deliberate: (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

At 12:12 p.m. the Court recessed Executive Session and at 1:22 p.m. the Court reconvened Executive Session.

At 2:03 p.m. the Court closed Executive Session and went into Open Session where the following motion was made:

II-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the hiring of a temporary employee for the EMS Department if needed.

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

Being no further business, the meeting was adjourned at 2:03 p.m.

EXAMINED AND APPROVED THIS 24th DAY OF APRIL 2017.

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

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