

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 May 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.
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 May 8, 2017.**
Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.

3. The following Service Awards were presented:

- **5 years of service: Kimberly Howard, Justice of the Peace Precinct 3 Office**
- **10 years of service: Jonathan Garcia, Sheriff's Office**
- **10 years of service: John Jenkins, Parks Department**
- **15 years of service: Rebecca Groenke, Tax Office**
- **30 years of service: Joanne Bradley, Juvenile Probation**

4. Introductions / Recognitions: None.

5. THE STATE OF TEXAS
COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim the month of May as Community Action Month in Kendall County (attached).**
Motion was made by Judge Lux, 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 amending the FY2017 budget through budget adjustments (attached).**
Motion was made by Commissioner Elkins, seconded by Commissioner Pfeiffer, 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 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 with Commissioner Bergmann abstaining from matters related to Bergmann Lumber and Commissioner Elkins abstaining from matters related to GVTC.

8. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement for KoFile Technologies Phase II-Preservation and Archival Imaging of Deed Records Volumes 1 through 150 for the County Clerk's Office.
Motion was made by Judge Lux, seconded by Commissioner Bergmann, and carried by a vote of 5-0.
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9. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Frost Bank for Kendall County's depository.
Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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10. No action was taken on reinstating the burn ban. It is still off.
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11. **PUBLIC COMMENTS:**
- John Sadesky spoke about road markings and signage on Upper Cibolo Creek Road.
 - Glenn Cummings spoke about the Kendall Appraisal District and home appraisals.
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12. A Public Hearing was held at 9:27 a.m. on the application filed by David A. & Amy Doll Perez, Co-Trustees, for the proposed revision of the subdivision plat for Champee Springs Ranches filed in Volume 3, Pages 169-186 of the plat records of Kendall County, Texas. The proposed plat revision would create five tracts all larger than 25 acres. No one spoke.
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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 from road frontage and platting requirements for the proposed division required by lender that would create a ±3-acre tract out of a parent tract of 20 acres with access over a 35-foot easement (24 Fritz Grosser Road, Maxie R. Zinsmeister).
Motion was made by Commissioner Pfeiffer, seconded by Commissioner Elkins, 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 grant the request for relief from road frontage and platting requirements for the proposed division that would create three ±36-acre tracts with access over a ±40-foot easement for roadway purposes (410 Fuller Drive, Betty Ann Hughes).
Motion was made by Commissioner Pfeiffer, seconded by Commissioner Durden, 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 road frontage and platting requirements for the proposed division required by lender that would create a ±5-acre tract out of a proposed ±36-acre parent tract with access over a ±40-foot easement for roadway purposes (410 Fuller Drive, Betty Ann Hughes).
Motion was made by Commissioner Pfeiffer, seconded by Judge Lux, and carried by a vote of 5-0.
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16. No action was taken concerning Turner Construction Company and the removal of structures from the Law Enforcement Center project site.
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17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve closing the following streets in Comfort from 6:30 a.m. to 11:30 a.m. for the 4th of July parade on Saturday, July 1, 2017: Idlewilde Boulevard, Daniel Drive, Edgewood Drive, part of Highway 87 and Highway 27, Lindner Avenue, High Street from Lindner Avenue to 5th Street, 5th Street from High Street to Broadway, Broadway from 5th Street to 7th Street, 6th Street from Broadway to Main Street.

Motion was made by Commissioner Durden, seconded by Judge Lux, 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 grant permission for use of the north portion of Faltin Field at Main Street and Eighth Street in Comfort for parade parking at the Comfort July 4th event on Saturday, July 1, 2017.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve sending a letter of permission from Commissioners Court to the Comfort Chamber of Commerce for the Texas Alcoholic Beverage Commission (TABC) to allow the Chamber to sell beer at their booth at the Comfort Park from 10:00 a.m. until 4:00 p.m. during Comfort's 4th of July event on Saturday, July 1, 2017.

Motion was made by Commissioner Durden, seconded by Judge Lux, 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 write correspondence to the Texas Department of Transportation (TxDOT) about a potential hazardous condition at the Boerne Flags Business Park on State Highway 46 due to the proposed location of a commercial establishment on such road and the resulting traffic entering and exiting State Highway 46.

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

21. The County Treasurer presented the Sales Tax Report.

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

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare certain property from the Sheriff's Department as salvage and allow for its disposal.

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 Monthly Reports for April 2017 (on file).

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

25. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the FY2017 Sealcoat bid to Ronnie Wagner pending final approval of the schedule with the Road & Bridge Supervisor. Motion was made by Judge Lux, seconded by Commissioner Durden, and carried by a vote of 5-0.
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Commissioner Elkins left the Courtroom at 10:08 a.m.

26. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the FY2017 bid for concrete headwalls and flat work, Bid #2017.05, to Bernhard Quality Construction, Inc. for the Road & Bridge Department. Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.
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Commissioner Elkins returned to the Courtroom at 10:10 a.m.

27. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to move forward concerning the nuisance condition on the property at 37175A IH-10 and give the property owner and heirs 31 days to respond. Motion was made by Commissioner Bergmann, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0-1 with Judge Lux abstaining.
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28. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the old County Engineer's office, Room 200, on the 2nd floor be allocated for Commissioner Precinct 4. Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.
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29. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the transfer of vehicle 2608 from Adult Probation to the Information Technology Department. Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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30. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge to execute a letter amendment to the agreement between Kendall County and Turner Construction Company, as Construction Manager at Risk for the Kendall County Law Enforcement Center. The purpose of the letter amendment is to incorporate Davis/Bacon prevailing wage into the agreement. Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.
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31. The summary of road activities by Road & Bridge for April 2017 was presented (attached).
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32. The summary of activities by the Operations Department for April 2017 was presented (attached).
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33. 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 Elkins, and carried by a vote of 5-0.

At 10:33 a.m. the Court closed Open Session, took a Break, and then at 10:45 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. 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 Elections Administrator
 - 2. Duties and responsibilities of the Auditor's Office
 - 3. Duties and responsibilities of the Sheriff's Office
 - 4. Duties and responsibilities of the Human Resources Director
 - 5. Complaint against the Facilities Manager

At 11:55 a.m. the Court recessed Executive Session and at 1:15 p.m. the Court reconvened Executive Session.

At 2:28 p.m. the Court closed Executive Session and at 2:29 p.m. went into Open Session where there being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 12th DAY OF JUNE 2017.

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

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