

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 October 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 Don Hughes, St. John's Anglican Church.

Pledges of Allegiance to the United States and Texas flags.

Judge Lux said that Willard N. "Willie" Stanley, Kendall County employee at Comfort Solid Waste Station and former Kendall County Constable, passed away on October 20. He asked to keep the family in everyone's prayers.

He thanked everyone who attended last Saturday's events: the Music Fest benefiting the Bergheim VFD and the Chili Cookoff supporting the Kendall County Animal Shelter. Other upcoming fundraisers for volunteer fire departments are November 4th – Kendalia VFD, November 11th – Sisterdale VFD, and October 29th – Waring VFD.

Commissioner Bergmann said that Coughran Road and Ranger Drive will be having road closures due to road construction, so for the public to expect traffic control and flagging.

Commissioner Durden said that the Wild Game Dinner will be November 4th.

2. THE STATE OF TEXAS

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for October 10, 2017.**

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

3. Stephen Zoeller, Kendall County AgriLife Extension Agent, and Hilary Putrite, 4-H Program Assistant, presented 4-H Award recipients:

- Gold Star: Gus Stehling and Cameron Bourgeois**
 - Silver Star: Anna Beth Muck and Will Muck**
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4. The following Service Awards were presented:

- 5 years of service: Justin Wheeler, Road & Bridge**
- 5 years of service: Joshua Henthorne, Sheriff's Office**
- 5 years of service: Mark Bierds, Sheriff's Office**
- 10 years of service: Kevin Klaerner, Sheriff's Department**
- 15 years of service: Kenneth Oaster, Road & Bridge**
- 15 years of service: Jody Pereda, Juvenile Probation Office**

(Kendal Gebauer and Sharon Barter will be presented with their awards at a later date.)

5. Introductions / Recognitions:

- County Clerk Darlene Herrin introduced new Deputy Clerk, Patricia Mayer.**
 - Judge Lux introduced Lessly Barajas who is the new Information Desk/Translator.**
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6. THE STATE OF TEXAS

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim November as Home Care and Hospice Month in Kendall County (attached).**

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 (on file).

Motion was made by Commissioner Durden, seconded by Commissioner Elkins, and carried by a vote of 5-0 with 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 Cash Summary for August 2017 (attached).

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

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

10. PUBLIC COMMENTS:

- Travis Sabine extended his thanks and appreciation to Kendall County and the Commissioners Court, the Road & Bridge Department, and Road Supervisor Ricky Pfeiffer for the good quality of work and safety of roads in Kendall County.
 - Glen Cummings commented on vehicles with modified exhaust which creates noise pollution and law enforcement.
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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 from platting requirements and road frontage in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations. The proposed division would create a tract of 10 acres out of two parent tracts with access to the proposed 10-acre tract would be over a 40-foot-wide road easement to Old #9 Highway (Paul & Betty Seidensticker).

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to release the Irrevocable Letter of Credit #9101450, Cordillera Ranch, Unit 301A, for FM 3351 Deceleration Lane in the amount of \$48,107.

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending Kendall County Order 96-0550, Exhibit A(8) to delete "and the affected property's respective precinct Commissioner as authorized by Commissioner[']s Court."

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

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the purchase of two vehicles with the funds allocated in the 2017-2018 fiscal year budget for the Parks Department.

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

15. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve initiating a purchase order in the amount of \$41,314 for the Comfort Community Park playground equipment approved by the Commissioner's Court in the 2017-2018 fiscal year budget.
Motion was made by Commissioner Durden, seconded by Judge Lux, and carried by a vote of 5-0.
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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 service agreement with Carrier for the service and maintenance of the HVAC system at the Kendall County Courthouse. The agreement will run from October 1, 2017 until September 30, 2018.
Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.
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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 the proposed lease for property located at 32828 IH-10. This property houses the Justice of the Peace Pct. 2 office.
Motion was made by Commissioner Elkins, seconded by Judge Lux, 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 Real Property Lease agreement with Cow Creek Groundwater Conservation District for the temporary driveway during construction of the Law Enforcement Center.
Motion was made by Commissioner Pfeiffer, seconded by Commissioner Durden, 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 approve the 2018 TechShare Resource Sharing Addendum to the Master Interlocal Agreement.
Motion was made by Commissioner Elkins, seconded by Judge Lux, 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 approve the agreement with Blanco County to house Kendall County inmates.
Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, 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 the Kendall County Donation Form to be used by all departments who receive a donation effective October 23, 2017 (attached).
Motion was made by Judge Lux, seconded by Commissioner Durden, 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 approve the Monthly Reports for September 2017 (on file).

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

23. The summary of road activities by Road & Bridge for September 2017 was presented (attached).

24. The summary of activities by the Operations Department for September 2017 was presented (attached).

At 10:05 a.m. the Court closed Open Session, took a Break, and then 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. Pending or contemplated litigation: Volkswagen, Opioid lawsuit, Balderas
 - 2. Advice from counsel regarding lease of County land
- 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 Auditor

At 11:25 a.m. the Court closed Executive Session and at 11:27 a.m. went into Open Session where the following motion was made:

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Waiver of Claims For Injunctive Relief in the Volkswagen Lawsuit as recommended by counsel.

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

Being no further business, the meeting was adjourned at 11:28 a.m.

EXAMINED AND APPROVED THIS 13th DAY OF NOVEMBER 2017.

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

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