

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 13th day of November 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 Rev. Dr. Kevin Boyd, St. Mark Presbyterian Church.
 Pledges of Allegiance to the United States and Texas flags.
 Judge Lux noted the passing last Thursday of Commissioner Durden's mother, Mae Durden Nelson, and asked to keep the family in everyone's thoughts and prayers.
 Commissioner Durden said that Commissioner Bergmann was selected to be the point person for the committee that will work with the City of Boerne on matters concerning development inside the ETJ. The Committee met October 23 and November 7 and the next meeting will be November 30.

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 23, 2017.**

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

3. **The following Service Award was presented:**
 - **15 years of service: Sharon Barter, Auditor's Office**

4. **THE STATE OF TEXAS**

 COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim November 18, 2017 as Texas Adoption Day – No More Black Trash Bags in Kendall County (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 Durden, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

6. **The Court discussed the necessity for Special Called Meetings to approve payroll as a claim on the County.**

7. **THE STATE OF TEXAS**

 COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to schedule a public hearing on November 27, 2017 to discuss and hear public comments on the proposed amendments to Order 08-10-2009A Regulation of Outdoor Lighting.**

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

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

9. The Court discussed the proposed Vulcan Construction Materials permit application to the Texas Commission on Environmental Quality (TCEQ).

Audience members who commented against the permit application were Delaney Kowald, Clifton Nash, Lee Anderson, Snehal Patel, John Kight, Lee Seale, Amber Clowney, Justine Hansen, Robert (Bob) Lauda, Bill Scheidt, Steve Whewell, Abbie Keiser, Jim Winton, Elizabeth Pate, Kathleen Hoover, Tami Stanley, and Odie Waters.

John Berger, representative from Vulcan Construction, introduced himself.

At 10:19 a.m. the Court recessed Open Session 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:

2. Vulcan Concrete Batch Plant permit application to TCEQ

At 10:37 a.m. the Court recessed Executive Session and resumed Open Session where the following motion was made:

I-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to request a contested case hearing and a public meeting and for Commissioners Court to develop a resolution concerning the application of Vulcan Construction Materials, LLC to operate a concrete batch plant on State Highway 46 in Kendall County, Texas (attached).

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

At 10:43 a.m. the Court took a short break and resumed at 10:46 a.m.

10. PUBLIC COMMENTS: No one spoke.

11-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that it finds that the activities of the Friends of the Kendall County Historic Jail serve a public purpose.

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

11-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that it determines that the use of the Historic Jail by the Friends of the Kendall County Historic Jail is a public purpose of benefit to Kendall County and its residents.

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

11-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the use agreement with the Friends of the Kendall County Historic Jail for the purpose of operating a museum at the Historic Jail and with an effective date of November 15, 2017.

Motion was made by Commissioner Elkins, 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 grant the request for relief from Section 400 of the Kendall County Development Rules and Regulations for the following eleven items for Philip Ranch Subdivision:

- 1) Minimum right-of-way of 50 feet versus 60 feet,
- 2) Minimum design speed of 25 mph versus 30 mph,
- 3) Minimum pavement width of 22 feet versus 26 feet (no edge stripe),
- 4) Minimum K value of 26 versus 40 (sag vertical curve),
- 5) Minimum K value of 12 versus 20 (crest vertical curve),
- 6) Minimum horizontal curve radius of 200 feet versus 229 feet,
- 7) Minimum subgrade width of 26 feet versus 30 feet,
- 8) Minimum base width of 24 feet versus 28 feet,
- 9) Minimum right-of-way radius for cul-de-sac of 62 feet versus 66 feet,
- 10) Minimum pavement radius for cul-de-sac of 48 feet versus 50 feet,
- 11) Construct safety end treatment to edge of pavement versus a 6-foot offset.

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 grant the request for relief from the platting requirements and road frontage in accordance with Sections 101 and 102 of the Kendall County Development Rules and Regulations to create a tract of 33.741 acres and a tract of 66.317 acres out of a 100.058-acre parent tract with access to the proposed tracts being over a 60-foot-wide road easement to Lost Valley Road (Ken Muller - Muller Assets, Ltd)

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

14. No action was taken concerning the Memorandum of Understanding for property adjacent to Fuller Drive for the purpose of a cul-de-sac.

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the lease agreement for 24 Apple iPads to be used by the Sheriff's Department.

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement with TimeClock Plus to provide electronic time keeping services to Kendall County.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 Consent to Assignment of Economic Development Incentive Reimbursables for Boerne Hotel, Ltd.

Motion was made by Judge Lux, 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 EDI Provider Transaction Agreement for Intermedix for EMS bills.

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 the agreement with the Texas Wildlife Services Program.
Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, 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 approve the work orders providing for the annual elevator inspections.
Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

21. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve purchasing a new vehicle for the Deputy Fire Marshal.
Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

22. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution to cast Kendall County's votes for the County's nominee, Don Edmondson, to the Kendall Appraisal District Board of Directors (attached).
Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

23. No action was taken concerning the Compensation and Classification Study.

24. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the transfer of the skid steer and attachments and the dump truck and trailer from the Road & Bridge Department to the Parks Department.
Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 approve obtaining bids for FY2018 Road Materials which will contract from December 11, 2017 to September 30, 2018.
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 approve awarding the bid for Sealcoat Work on Bid #2018.01 to F N Ploch.
Motion was made by Commissioner Elkins, seconded by Judge Lux, and carried by a vote of 5-0.

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize closing the Brush Site on Saturday, November 25 for the Thanksgiving holiday.

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

At 11:52 a.m. the Court recessed Open Session and went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- I. The Court will meet in Executive Session 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
 2. Vulcan Concrete Batch Plant permit application to TCEQ
 3. Opioid Lawsuit
 4. Requirements of the FLSA concerning pay for overtime
- II. The Court will meet in Executive Session pursuant to Section 551.072 to deliberate the purchase, exchange, lease or value of real property. (Note: Deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)
- III. The Court will meet in Executive Session 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 Juvenile Probation Officer
- IV. 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.

Commissioner Durden left Commissioners Court at 2:33 p.m.

At 3:54 p.m. the Court closed Executive Session and went into Open Session where the following motions were made:

I-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proceed as discussed in Executive Session concerning legal counsel and concerning Vulcan Concrete Batch Plant permit application to TCEQ.

Motion was made by Commissioner Elkins, seconded by Judge Lux, and carried by a vote of 4-0.

IV. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a security device not to exceed \$3,217.

Motion was made by Commissioner Bergmann, seconded by Judge Lux, and carried by a vote of 4-0.

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the listing agreement with Carter Texas Realty for the sale of the real property located at 112 Sparrowhawk Trail with the changes from legal counsel.

Motion was made by Commissioner Bergmann, seconded by Judge Lux, and carried by a vote of 4-0.

Being no further business, the meeting was adjourned at 3:57 p.m.

EXAMINED AND APPROVED THIS 27th DAY OF NOVEMBER 2017.

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

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