

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 11th day of December 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 retired Pastor Henry Schulte.
Pledges of Allegiance to the United States and Texas flags.
Judge Lux noted the upcoming annual EMS Christmas Breakfast at the Hungry Horse starting at 7:30 a.m. on Christmas morning.

2. THE STATE OF TEXAS
COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for November 27 and 30, 2017.**
Motion was made by Commissioner Durden, seconded by Commissioner Elkins, 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 the accounts payable claims for purchases, services, and vendors (on file).**
Motion was made by Commissioner Elkins, seconded by Commissioner Durden, 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 list of donations on behalf of Kendall County as per Local Government Code 81.032 (attached).**
Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

5. Corinna Speer, County Auditor, presented the Community Supervision and Corrections Department (CSCD) Statement of Financial Position for the fiscal year ending August 31, 2017 (attached).

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

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

8. PUBLIC COMMENTS:
• The following person spoke during agenda item #9: Sheriff Al Auxier.

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to have Commissioner Bergmann, HR Director Juanita Espino, and County Auditor Corinna Speer continue with their review of how to proceed with the implementation of the Compensation and Classification Study and report back with their recommendations to Commissioners Court.

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

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Third Amended and Restated Cashiers Checks Deposit Agreement between Miralomas Development Corporation and Kendall County to serve as a financial guarantee for the satisfactory completion of street and drainage improvements related to the approved plat of Lerin Hills Garden Homes Subdivision, Unit 1, Phase 1. The Amended agreement will expire March 31, 2018.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 approve the Preliminary Plat of Cordillera Ranch, Unit 207F, in accordance to the 1990 Kendall County, Texas Regulations, Rules and Specifications for Roads and Subdivisions. The proposed residential subdivision would create 21 lots out of 37.08 acres for an average density of 1.77 acres per lot, 2,270 linear feet of private roadway. The proposed subdivision would be served by a public water supply and wastewater treatment system. Relief was granted on 11/27/17 for various items related to utility location and roadway design (CR Landco Holding, LLC).

Motion was made by Commissioner Elkins, seconded by Commissioner Durden, 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 approve the Preliminary Plat of Hidden Springs in accordance to the Kendall County Development Rules and Regulations. The proposed residential subdivision would create 21 lots out of 197.89 acres for an average density of 9.42 acres per lot, 6,729 linear feet of private roadway. The proposed subdivision would be served by private well and OSSF. Relief was granted on October 10, 2017 for various items related to roadway design and clearing.

Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, 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 the Memorandum of Understanding between the County and land owners of property adjacent to Fuller Drive for the purpose of providing for the construction of a cul-de-sac at the end of Fuller Drive and North Barcroft Estates.

Motion was made by Commissioner Pfeiffer, 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 accept the bids for road materials for fiscal year 2018 as presented with the exception of rejecting the bids for ¾" Base, Grade 2 Base, and 3 x 5 Chemstone (attached).

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 an additional cell phone for the Facilities Maintenance Department based on time frame set by County Auditor.

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 economic development agreement between Kendall County, the City of Boerne, and the YMCA to share in the cost of construction of a gas pipeline.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 First Amendment to the Lease Agreement between Kendall County and the Chamber of Commerce of the Town of Comfort.

Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, 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 Interlocal Agreement concerning the Regional Public Defender for Capital Cases.

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 Interlocal Agreement related to expanded participation with the Alliance for Community Solutions, Ltd.

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

(Agenda item 20 was addressed after Executive Session)

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Cell Data Experts, LLC, to provide expert witness testimony involving the interpretation of communications data, its associated location information, and cellular network analysis in a criminal prosecution.

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

At 9:55 a.m. the Court recessed Open Session, took a Break, and then 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. Bryan Scott Kehoe and Tanita Faye Kehoe vs. Kendall County, Texas
 - 5. FLSA
- II. The Court will meet in Executive Session pursuant to Section 551.087 Deliberation Regarding Economic Development Negotiations to discuss or deliberate the offer of a financial or other incentive to a business prospect that the County seeks to have locate, stay, or expand in Kendall County and with which the County is conducting economic development negotiations.

At 10:20 a.m. the Court recessed Executive Session and resumed Open Session where the following motion was made:

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Resolution 12-11-2017A and to enter into an agreement between Kendall County and Simon Greenstone Panatier Bartlett, PC pertaining to the opioid lawsuit (resolution attached).

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

At 10:23 a.m. the Court recessed Open Session and resumed Executive Session.

At 12:00 p.m. the Court closed 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 approve payment to the law firm of Carls, McDonald & Dalrymple in the amount of \$8,388.19 for legal services rendered related to the Vulcan Concrete Batch Plant permit application to the Texas Commission on Environmental Quality (TCEQ).

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

Being no further business, the meeting was adjourned at 12:01 p.m.

EXAMINED AND APPROVED THIS 27th DAY OF DECEMBER 2017.

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

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