

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 August 2012.

Present: **GAYLAN L. SCHROEDER, COUNTY JUDGE**
 GENE MIERTSCHIN, COMMISSIONER, PCT. #2
 DARREL L. LUX, COMMISSIONER, PCT. #3
 KENNETH M. RUSCH, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK

Absent: **ANN REISSIG, COMMISSIONER, PCT. #1**

1. **The meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.**
The Court extended sympathy to the family of Reginald Kelpin, Kendall County Detention Officer.

2. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to**
approve the Minutes for July 23, 24, 30, 31, and August 6, 2012.

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

3. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to**
approve the Budget Adjustments as submitted (attached).

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

4. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to**
approve the Claims as submitted (on file).

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

5. **PUBLIC COMMENTS:**

- **Commissioner Lux announced that District Judge Keith Williams appointed Corinna Speer to fill the vacant position of Kendall County Auditor.**
- **Commissioner Lux reminded the public of the Grand Opening of the Joshua Springs Park and Preserve on August 18th.**

6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize publishing a Notice of Public Hearing concerning the Records Archive Fee for preservation and restoration of records in the County Clerk's Office.

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

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Joint Election Agreement between the City of Boerne, Comfort Independent School District and Kendall County for a Joint Election to be held on Tuesday, November 6, 2012.

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

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to group medical, dental, vision and life insurance coverage for plan year October 1, 2012 to September 30, 2013.

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

9. No action was taken concerning the Kendall County 150th Celebration activities and historical markers.

10. A Public Hearing was held regarding the proposed Plat Revision of Inspiration Hill No. 2, Lot 4A into Lots 4A-1, 4A-2, 4A-3, 4A-4, 4A-5, 4A-6, and 4A-7. No one spoke.

11-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the submission of grant applications by the Kendall County Child Services Board for various services.

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

11-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the list of members submitted for the 2013 Kendall County Child Services Board (attached).

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the painting of the Child Safe Room on the 3rd floor of the Courthouse.

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reinstate the Burn Ban (Order attached).

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

14. Commissioner Lux gave an update on the status of the upgrade to the Radio System to be compliant with federally mandated regulations.

15. The County Auditor presented the Fiscal Year 2013 Proposed Budget.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2012 Certified Appraisal Roll total of \$3,658,244,916.00 as provided by the Kendall Appraisal District.

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

17. The 2012 effective tax rate and rollback rate and public notices were discussed.

18-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the proposal to adopt the tax rate of \$.395 per \$100.00 on the agenda of a future meeting as an action item. The proposed tax increase of 2.5¢ will raise the rate from \$.37 to \$.395 per \$100.00 taxable value.

Motion was made by Commissioner Lux, seconded by Judge Schroeder, and carried by a vote of 4-0 with all members of the Court voting in favor—Judge Schroeder, Commissioner Miertschin, Commissioner Lux, and Commissioner Rusch. Commissioner Reissig was absent.

18-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to set two Public Hearings on the proposed tax increase: Monday, August 27, 2012 at 9:30 a.m. and Thursday, August 30, 2012 at 6:30 p.m.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve moving \$1,000.00 from 10-549-54530 to 10-549-56510 to purchase pagers for the Waring Volunteer Fire Department.

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to nominate Joe Gerber as the County representative to the Kendall County Economic Development Corporation Board of Directors.

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

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Road History Form for the new road, "Bella Springs Rd" (attached).

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

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Memorandum of Understanding between Guadalupe-Blanco River Authority, Upper Guadalupe River Authority, Kendall County, Kerr County, Kendall County Water Control and Improvement District No. 1, Headwaters Groundwater Conservation District, and Cow Creek Groundwater Conservation District concerning an application to the Texas Water Development Board for regional water planning grants for Kerr and Kendall Counties and authorize Judge Schroeder to sign the agreement.

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

23-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to the Interlocal Agreement for Public Safety and Utilities Communication Services.

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

23-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to the contract with Klotz Associates, Inc. for the final engineering design phase of the Herff Road project.

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 4-0.

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the payment for Emergency Call Out for Road & Bridge.

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

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of the Town of Comfort, Outlots 78A, 78B and 78C into Outlots 78A-1, 78B-1 and 78C-1. Relief for minimum road frontage was granted on May 14, 2012 (Royce W. and Dolores J. Steubing).

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

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from platting requirements for the proposed division of land to create a family cemetery of less than one acre with access through a 25-foot easement to FM 3351 (Joachim J. Schubert, Alexander's Ranch, LLC).

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

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from minimum road frontage for the proposed division of land where the lender requires 60-foot fee simple or easement for roadway purposes. Access for the proposed 18.8-plus-acre tract (out of the 136.9-plus-acre tract) is currently through a 30-foot easement (David W. and Teresa J.P. McDaniel).

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

28. The AgriLife Extension agent was unavailable to give the update on Kendall County 4-H activities.

29. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to leasing antenna space on the Jennifer Drive Tower to S&P Communications.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 3-1 with Commissioner Miertschin voting against.

At 10:38 a.m. the Court closed Open Session, took a 10-minute break and then went into Executive Session:

- I. Pursuant to Section 551.071 to seek the advice of the County Attorney and/or attorney(s) representing the County, concerning pending and/or threatened litigation 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. County authority and responsibilities concerning subdivisions, county roads, bridges and county property
 2. EEOC complaints
- II. Pursuant to Section 551.074 to deliberate the duties and responsibilities of:
 1. County Attorney's Office
 2. EMS
 3. Parks Department
- III. Pursuant to Section 551.076 to deliberate matters regarding security devices.

At 11:45 a.m. the Court closed Executive Session and resumed Open Session.

Judge Schroeder was absent.

The following motions were made:

30. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the reassignment of an EMS employee as discussed during Executive Session.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 3-0.

31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to the change of job classifications for some employees in the County Attorney's Office.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Miertschin, and carried by a vote of 3-0.

Being no further business, the meeting was adjourned at 11:48 a.m.

EXAMINED AND APPROVED THIS 27th DAY OF AUGUST A.D., 2012.

ATTESTED: *Darlene Herrin*
COUNTY CLERK
KENDALL COUNTY, TEXAS

Raymond L. Schroeder
COUNTY JUDGE
KENDALL COUNTY, TEXAS