

**NOTICE OF REGULAR MEETING
OF THE KENDALL COUNTY COMMISSIONERS COURT**



NOTICE is hereby given that a regular meeting of the above named Commissioners Court will be held on the **26th day of August, 2013 at 9:00 a.m.** in the **Kendall County Courthouse, Third Floor Assembly Room**, 201 E. San Antonio, Boerne, Texas, at which time the following will be discussed and appropriate action taken; pursuant to V.T.C.A. Government Code Chapter 551, Open Meetings Act, including all Subchapters and Sections:

All matters listed on the following Agenda may be discussed in executive session at the option of the Kendall County Commissioners Court and following verbal announcement, if an appropriate exception to the open meeting requirement of the Texas Open Meetings Act is applicable.

NO CELL PHONES, AUDIBLE PAGERS, AND/OR BEEPERS SHALL BE USED WHILE COURT IS IN SESSION

Pledge of allegiance to the United States Flag
Pledge of allegiance to the Texas Flag

1. Call to Order - 9:00 a.m.
Comments from Darrel L. Lux, County Judge
2. Presentation of Service Awards:

10 years:	Tammy MacDiarmid	Sheriff's Office
30 years:	Debby S. Hudson	Justice of the Peace, Precinct 3
3. Consideration and action on approval of minutes for August 6, 12, 13 and 19, 2013:
Sally Peters, Deputy Clerk/Administrative Assistant
4. Consideration and action on approval of Monthly Reports for July 2013:
Corinna Speer, County Auditor
5. Consideration and action concerning the renewal of the Interlocal Agreement with Lubbock County for funding and representation by the Regional Public Defender for Capital Cases: Bob Eason, Assistant County Attorney
6. Consideration and action on the approval of fiscal year 2013 budget adjustments:
Corinna Speer, County Auditor
7. Consideration and action on approval of claims for purchases, services, and vendors:
Cindy Silva, Assistant County Auditor

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8. Presentation of the following administrative documents by the Kendall County Community Supervision and Corrections Department as approved by District Judge, Keith Williams, and County Court-at-Law Judge, Bill Palmer, to the Commissioners Court for record filing: 1) Fiscal Year 2013 Budget Adjustments and 2) Fiscal Year 2014 and 2015 Initial Budgets: Corinna Speer, County Auditor
9. Presentation of Sales Tax Report for June 2013: Sheryl D'Spain, County Treasurer.
10. Consideration and action to approve Cash Balances for June 2013: Sheryl D'Spain, County Treasurer
11. Consideration and action to approve the 3rd Quarter Investment Report for Fiscal Year 2013 (April, May and June): Sheryl D'Spain, County Treasurer
12. **PUBLIC COMMENTS**— opportunity for the general public to address the Court on any matter. The Court may not discuss any presented issue, nor may any action be taken on any issue at this time. Please limit comments to 3 minutes.
13. Presentation of construction status of the Kendall County Youth Agriculture & Equestrian Center: Darrel L. Lux, County Judge / Andra Wisian
14. Recognition of the Kendall County Historical Commission as being a recipient of the Distinguished Service Award for outstanding preservation work accomplished in 2012 through programs that educate citizens and generate interest in the history and character of Texas: Darrel L. Lux, County Judge
15. Presentation from the Kendall County Historical Commission on the Heritage Passport program and special events planned for historical and cultural experiences: Darrel L. Lux, County Judge / Bryden Moon
16. Announcement that Kendall County has been designated as a Preserve America Community by protecting and celebrating its heritage: Darrel L. Lux, County Judge
17. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Jeffery Fincke, Fire Marshal
18. Consideration and action for EMS to participate in the National Disaster Medical System Mass Casualty Exercise on September 19, 2013. The County will be reimbursed \$150.00 per hour for participation: Jeffery Fincke, Fire Marshal
19. Consideration and action on the Contract for Imaging Services for the County Clerk's Office with PROPERTYINFO-COUNTYFUSION: Darlene Herrin, County Clerk

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20. Consideration and action to approve the polling locations for the November 5, 2013 Constitutional Amendment Election: Staci Decker, Elections Administrator
21. Presentation on the new Photo ID (identification) requirements for voting in Texas elections: Staci Decker, Elections Administrator
22. Consideration and action for signing a new road history form for "Lennard Mac Tr" which is a private driveway serving a residential and commercial tract of land (Texas Timber Frames, 613 Hwy 46E): Mike Howle, GIS Coordinator
23. Consideration and action concerning an Interlocal Agreement with the City of Boerne to accomplish needed improvements to Adler and Toepperwein Roads: Darrel L. Lux, County Judge / Don Allee, County Attorney / Richard J. Chapman, Commissioner Precinct 3
24. Consideration and action to pay a Facilities Maintenance employee for emergency call out time: Robert Kinsey, Facilities Manager
25. Consideration and action to pay Road & Bridge employee(s) for emergency call out time: Gene Sparks, Road & Bridge Operations Manager
26. Present summary of activities by Road and Bridge during July 2013: Ricky Pfeiffer, Road Superintendent
27. Consideration and action to approve the bid schedule for the Phase 1 construction of the Herff Road Project: Gene Miertschin, Commissioner Precinct 2
28. Consideration and action concerning the cancellation of the entire subdivision, Comfort Falls Aviation Estates, filed in Volume 6, pages 65-68 of the plat records of Kendall County, Texas, in accordance with Sections 204 and 210 of the Kendall County Development Rules and Regulations and Kendall County Order No. 03-08-2010A. Consideration of approval of Kendall County Order No. 08-26-2013 Instrument of Cancellation (Sandy Smith): Kenneth M. Rusch, Commissioner Precinct 4
29. Consideration and action on an Amending Plat of Tracts 3A-3G-a and 3A-3H, Champee Springs Ranches Subdivison, Kendall County, Texas, into Tracts 3A-3G-b and 3A-3H-a in accordance with Section 209 of the Kendall County Development Rules and Regulations (MFP Realty): Mike Fincke, Commissioner Precinct 1

30. Consideration and action on a request for relief for minimum road frontage in accordance with Section 301 of the Kendall County Development Rules and Regulations. The proposed division required by the lender would create a (+/-) 3.0-acre tract out of a (+/-) 15.5-acre parent tract. The proposed (+/-) 3.0-acre tract would be accessed through a 50-foot easement for roadway purposes (Wayne and Melinda Huff, 25 Ernst Rd): Richard J. Chapman, Commissioner Precinct 3
31. Consideration and action on a request for relief from platting requirements in accordance with Section 101.1000 of the Kendall County Development Rules and Regulations. The proposed division of the existing (+/-) 103-acre tract would create a (+/-) 65-acre tract and a (+/-) 38-acre tract accessed over a 30-foot egress easement (Case Gatlin, G Bar Ranch Properties LTD, 10232 Johns Rd): Mike Fincke, Commissioner Precinct 1
32. Consideration and action on the Resolution of Support for the Castle Lake Ranch Volunteer Fire Department's grant application to LCRA: Darrel L. Lux, County Judge / Mike Fincke, Commissioner Precinct 1
33. Consideration and action on the Interlocal Agreement for 9-1-1 Public Safety Answering Point Services and Database Maintenance between AACOG (Alamo Area Council of Governments) and Kendall County: Darrel L. Lux, County Judge
34. Consideration and action concerning the request of CYPRESS CREEK CULTIVATORS to use a part of the softball field in Comfort for a community garden and possibly planting fruit-bearing trees: Kenneth M. Rusch, Commissioner Precinct 4 / Don Allee, County Attorney
35. Consideration and action concerning AACOG (Alamo Area Council of Governments) appointments effective September 1, 2013: Darrel L. Lux, County Judge
36. Consideration and action regarding changing the per diem rate for Kendall County employees when traveling: Gene Miertschin, Commissioner Precinct 2
37. Consideration and action concerning the appointment of Commissioner Gene Miertschin as Judge Pro-Tem: Darrel L. Lux, County Judge

BREAK

EXECUTIVE SESSION (Closed to public)

Pursuant to Chapter 551 of the Texas Government Code

- I. Commissioners Court will meet in Executive Session 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, 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 as follows:**
 - 1. County authority concerning subdivisions, county roads and bridges**
 - 2. San Miguel vs. Kendall County**
 - 3. Guy James Gray vs. Kendall County**
 - 4. Claim of Jonathan Landis**
- II. The Court will meet in Executive Session pursuant to Section 551.0745 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. Regarding personnel evaluations and duties of appointed members to an advisory board**
- III. 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.)**
 - 1. Right-of-way / easements for Herff Road Project**

**RESUME OPEN SESSION AND TAKE ANY NECESSARY ACTION
RESULTING FROM EXECUTIVE SESSION DELIBERATIONS**

ADJOURNMENT

KENDALL COUNTY COMMISSIONERS COURT

Dated this the 21st day of August, 2013.



Darrel L. Lux
Kendall County Judge

I, the undersigned County Clerk, do hereby certify NOTICE of Regular meeting of the above named Commissioners Court is a true and correct copy of said Notice and that I have caused said Notice to be posted on the door at the Courthouse of Kendall County, Texas, located at 201 E. San Antonio Street on the 22nd day of August, 2013.



Darlene Herrin
County Clerk

Posted at 9:00 a.m. on the 22nd day of August, 2013—

NOTE: The Kendall County Commissioners Court complies with A.D.A. requirements. If you have an impairment and wish to appear at a meeting, please call (830)249-9343, 48 hours in advance to make arrangements.

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