

**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 12<sup>th</sup> 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 the bench
  
2. Consideration and action on approval of minutes for July 22 & 23, 2013:  
Sally W. Peters, Deputy Clerk/Administrative Assistant
  
3. Consideration and action on the approval of fiscal year 2013 budget adjustments and emergency declarations: Corinna Speer, County Auditor
  
4. Consideration and action on approval of claims for purchases, services, and vendors: Cindy Silva, Assistant County Auditor
  
5. Consideration and action on joining a cooperative purchasing organization:  
Corinna Speer, County Auditor
  
6. Consideration and action on approval to purchase Incode Version X Financial Software from Tyler Technologies for the County Auditor's Office: Corinna Speer, County Auditor
  
7. Consideration and action for County Treasurer to request unclaimed property from the State Comptroller's Office: Sheryl D'Spain, County Treasurer

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8. **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.
9. Consideration and action to approve a \$5.00 increase for County Clerk's Records Management & Preservation Fee (HB 1513): Darlene Herrin, County Clerk
10. Consideration and action to approve the 2013 Certified Appraisal Roll Totals of \$3,756,629,057.00 (Freeze Adjusted) Taxable Value as certified by the Kendall Appraisal District: James Hudson, County Tax Assessor Collector
11. Presentation and discussion on the 2013 Effective Tax Rate and Rollback Tax Rate and publication of any notices: James Hudson, County Tax Assessor Collector
12. Consideration and action on the 2014 Optional Fees—County Road & Bridge Fees and Child Safety Fee: James Hudson, County Tax Assessor Collector
13. **Public Hearing (9:15 a.m.)** on the application filed by Russell Boyd for the proposed plat revision of Sleepy Hollow, Unit 2, Lot 7A, filed in Volume 5, Pages 253-254 of the Plat Records of Kendall County, Texas. The proposed plat revision would create two lots consisting of +/- 6 acres and +/- 34 acres. Applicant is requesting relief for road frontage in accordance to Section 300.1100 (lot size/road frontage/density/setback) of Kendall County Development Rules and Regulations. The proposed +/- 6-acre lot would have 250 feet of frontage while the +/- 34-acre tract would have 61 feet of frontage: Gene Miertschin, Commissioner Precinct 2
14. Consideration and action on a request for relief for road frontage in accordance to Section 300.1100 of the Kendall County Development Rules and Regulations for the proposed plat revision of Sleepy Hollow, Unit 2, Lot 7A, resulting in a +/- 6-acre tract with 250 feet of frontage and a +/- 34-acre tract with 61 feet of frontage: Gene Miertschin, Commissioner Precinct 2
15. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Darrel L. Lux, County Judge / Jeffery Fincke, Fire Marshal
16. Consideration and action regarding a fireworks display August 18, 2013 on the driving range at Buckhorn Golf Course for a Marine Corps veteran returning home: Jeffery Fincke, Fire Marshal

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17. Consideration and action on the Kendall County CERT (Citizen Emergency Response Team) using the old Waring Fire Department ambulance unit that is currently at the old Road & Bridge facility: Jeffery Fincke, Emergency Management Coordinator
18. Consideration and action to provide Maintenance Fee (Air Time) for 10 portable radios which the Boerne EMS Association is willing to purchase and donate to the County: Jeffery Fincke, EMS Administrator
19. Consideration and action on Road History Form modifications on five roads due to length changes: Ricky Pfeiffer, Road Superintendent
20. Consideration and action pertaining to the Interlocal Agreement between the Comfort Independent School District and Kendall County as it relates to School Resource Officers: Al Auxier, Sheriff
21. Consideration and action to change the working hours of the Facilities Maintenance Department from 8 a.m. to 5 p.m. to new hours of 7 a.m. to 4 p.m.: Robert Kinsey, Facilities Manager
22. Consideration and action to declare the unused former office at the Solid Waste Collection Station on Spanish Pass as salvage/surplus property for auction: Darrel L. Lux, County Judge / Kenneth M. Rusch, Commissioner Precinct 4
23. Consideration and action on a request for relief to minimum building setback, submission of groundwater availability report, and access to fire protection well and storage tank by easement in accordance to Sections 304.1100, 301.1100 and 302.1100 of the Kendall County Development Rules and Regulations (George Metz III): Richard J. Chapman, Commissioner Precinct 3
24. Consideration and action on a request for relief to minimum road frontage in accordance to Section 301.1200 of the Kendall County Development Guidelines and Regulations Rule Book effective January 1, 1997 for Cordillera Ranch, Unit 301A, Block B, Lots 12 and 19. Minimum road frontage is 100 feet for residential lots 0.5 acres and larger served by public water and public sewer. Proposed frontage for Lot 12 and Lot 19 is 85.79 feet and 95.22 respectively: Gene Miertschin, Commissioner Precinct 2

25. Consideration and action on a Preliminary Plat for Lerin Hills Garden Homes Subdivision, Unit 1, Phase 1, in accordance to Section 202 of the Kendall County Development Guidelines and Regulation Rule Book effective January 1, 1997. The proposed subdivision consists of 125.064 acres, 183 residential lots, and 9,836 linear feet of roadway for a density of 0.68 acres per lot (Steve Petuck, LH Devco Inc): Mike Fincke, Commissioner Precinct 1
26. Consideration and action to allow Texas County and District Retirement System (TCDRS) representatives to conduct employee presentations and individual counseling sessions: Mike Fincke, Commissioner Precinct 1 / Juanita Espino, HR Director
27. Consideration and action to allow Juanita Espino, HR Director, to submit an application to the Texas Department of Public Safety for approval to conduct criminal background checks on applicants for employment with Kendall County: Gene Miertschin, Commissioner Precinct 2
28. Presentation of EMS and Fire Department activities for the first six months of 2013: Jeffery Fincke, Emergency Management Coordinator

**BREAK**

**EXECUTIVE SESSION (Closed to public)**

**Pursuant to Chapter 551 of the Texas Government Code**

- I. 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 County Judge
  2. Duties and Responsibilities of the Human Resources Department
  3. Duties and Responsibilities of the Facilities Management Department
  4. Duties and Responsibilities of the Sheriff's Office
- II. 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

- 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**

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**Dated this the 8<sup>th</sup> 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 8<sup>th</sup> day of August, 2013.



Darlene Herrin  
Darlene Herrin  
County Clerk

Posted at 2:00 P.M. on the 8<sup>th</sup> day of August, 2013- *sup*

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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