

**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 11<sup>th</sup> day of March 2013.

**Present:**            **DARREL L. LUX, JUDGE PRO-TEM (COMMISSIONER, PCT. #3)**  
                         **MIKE FINCKE, COMMISSIONER, PCT. #1**  
                         **GENE MIERTSCHIN, COMMISSIONER, PCT. #2**  
                         **KENNETH M. RUSCH, COMMISSIONER, PCT. #4**  
                         **SALLY W. PETERS, DEPUTY COUNTY CLERK**

**Absent:**             **GAYLAN L. SCHROEDER, COUNTY JUDGE**

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1.      **The meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.**

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2.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for February 25, 2013.**

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

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3.      **THE STATE OF TEXAS**

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

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

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4.      **No action was taken regarding the Cash Balances for January 2013. It will be addressed at a future court.**

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5.      **PUBLIC COMMENTS:**

- **Judge Pro-Tem Lux read a letter from the Texas A&M Forest Service out of Fredericksburg, Texas, expressing particular appreciation for Constable Robbie Pankratz's assistance in the Apacheria Pass fire in Kendall County on February 27, 2013. The letter commended the Kendall County Office of Emergency Management and Constable Pankratz for their professional and dedicated performance.**
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6.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve closing Seventh Street between High Street and Main Street in Comfort on Saturday, April 6, 2013 from 6 a.m. until 6 p.m. for the Spring Celebration.**

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

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7. Cheryl Landman, Mayor of the City of Fair Oaks Ranch, gave a brief history of the Ranch and formation of the City. She announced that the City of Fair Oaks Ranch is celebrating its 25<sup>th</sup> Anniversary this year and presented each Commissioner with a book of the history of Fair Oaks Ranch.

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8. No action was taken regarding the summary of activities by Road & Bridge during February 2013. It will be addressed at a future court.

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9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim March 18-24, 2013, Relay for Life Week in Kendall County benefitting the American Cancer Society (attached).

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

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On Friday, March 1, 2013 at 9:00 a.m. the County Judge Pro-Tem reinstated the burn ban (see attached ORDER RESTRICTING OUTDOOR BURNING 3-1-2013).

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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reinstate the burn ban.

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

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11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Order No. 03-11-2013 reconfiguring the 2020 and 2120 voting precincts in order to unite the River Mountain Ranch Subdivision into election precinct 2120 (attached).

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

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12. Sid Martinez with the San Antonio-Bexar County Metropolitan Planning Organization (MPO) gave a presentation on the purpose, objectives and advantages to Kendall County of being a member in the MPO.

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13. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from the 1997 Development Guidelines and Regulations Rule Book for Cordillera Ranch Subdivision, Units 301A through 301D:

- 1) Rio Cordillera (a Collector) to have 60 feet of right-of-way and 29 feet of pavement in lieu of 80 feet of right-of-way and 42 feet of pavement as required by Subsection 302.1650,
- 2) residential streets to have 50 feet of right-of-way and 21 feet of pavement in lieu of 60 feet of right-of-way and 28 feet of pavement as required by Subsection 302.1650,
- 3) cul-de-sacs to have 110 feet of diameter and 80 feet of diameter for pavement in lieu of 150 feet and 100 feet respectively as required by Subsection 302.1430,
- 4) roll curbs and ribbon curbs in lieu of typical curb detail in Rule 620,
- 5) use of erosion control blankets (North American Green C350 or equal) in lieu of concrete lining as required by Subsection 405.1700,
- 6) use of a prime coat under the 1½-inch compacted HMA pavement in lieu of a one course surface treatment as required in Subsection 404.1000.

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

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14. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief for a 40-foot easement for roadway purposes versus a 60-foot easement as allowed under Section 2.C(1) Family Division of Kendall County Order No. 12-12-2011C. The proposed easement provides access to six tracts which vary from 54.092 acres to 60 acres and front on Rust Road (Milton Carl Rust).

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

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15. The Sheriff's Office detailed the proposed exercise area for dogs at the Kendall County Animal Control Facility.

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16. **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 Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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At 10:24 a.m. the Court closed Open Session, took a break and at 10:30 a.m. went into Executive Session:

- I. 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 Human Resources Office
  - 2. Duties and responsibilities of Sheriff's Office
  - 3. Duties and responsibilities of Road & Bridge Department
- II. 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 under the Texas Rules of Professional Conduct of the State Bar of Texas requires confidential communications. Specific topics to be discussed are:
  - 1. County authority concerning subdivisions, County roads, and bridges
  - 2. EEOC complaints
- III. Pursuant to Section 551.0785 to deliberate the matters involving:
  - 1. Medical records of an individual applicant for benefits
- IV. 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 the Herff Road Project

At 11:55 a.m. the Court closed Executive Session and resumed Open Session.

- 17. No action was taken regarding employees donating sick leave hours to another employee.

Being no further business, the meeting was adjourned at 11:56 a.m.

EXAMINED AND APPROVED THIS 25<sup>th</sup> DAY OF March A.D., 2013.

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE PRO-TEM  
KENDALL COUNTY, TEXAS