

**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 25<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 March 11, 2013.

Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, 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 as submitted (on file).

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

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4.     **THE STATE OF TEXAS**

**COUNTY OF KENDALL**     It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Monthly Reports for February 2013 (on file).

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

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5.     **THE STATE OF TEXAS**

**COUNTY OF KENDALL**     It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Balances for January 2013 (attached).

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

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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 the First Quarter Investment Report for fiscal year 2013 which was presented 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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7. The County Treasurer presented the Sales Tax Report for March 2013.

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**PUBLIC COMMENTS:**

- Terry Anderson, County Engineer, announced that on Saturday the County Brush Site took in a record amount of mulch generating revenue of \$1,123.00.
  - Michelle Lux, County Benefits Coordinator, announced that the County employee's contributions to the Relay for Life event raised \$4,628.00 for the American Cancer Society.
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9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Cordillera Ranch, Unit 204, Block A, Lots 47 and 48 into Lot 47A.

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

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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Cordillera Ranch, Unit 1, Block B, Lots 12 and 13 into Lot 12A.

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 the Amending Plat of Hold-Em Ranch, Lots 9A and 9B into Lots 9A-1 and 9B-1 for the purpose of relocating a common lot line.

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

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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the Boerne Merchants Association the use of the Courthouse grounds in June and October for Market Days.

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

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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the fiscal year 2012 Annual Audit as presented by Keith Neffendorf of Neffendorf, Knopp, Doss & Company (attached).

Motion was made by Commissioner Miertschin, seconded by Judge Pro-Tem Lux, 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 approve the low bid of \$10,970.00 from Grier Construction for concrete work on Pleasant Valley Drive.

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

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15. The Road Superintendent presented a summary of activities for Road & Bridge for February 2013 (attached) and he advised the Court that the department would begin the 4-day, 10-hour workweek on April 8, 2013.

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8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to forego collecting \$201.93 in property taxes on a 0.01-acre tract located next to 414 Schryver Street in the City of Boerne which is to be conveyed at a future date to Robert and Lucy Ziegler.

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

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16. No action was taken on lifting the burn ban. It is still in effect.

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17-a. Bob Reinartz spoke against joining the San Antonio-Bexar County Metropolitan Planning Organization (MPO).

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17-b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to decline joining the San Antonio-Bexar County Metropolitan Planning Organization (MPO) and to authorize sending a letter of support urging that the City of Boerne have representation on the board.

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

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18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Kendall County policy on drugs and alcohol.

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

At 10:23 a.m. the Court closed Open Session, took a break and at 10:30 a.m. went into Executive Session pursuant to:

- I. 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 Director
- II. 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 require confidential communications. Specific topics to be discussed:
  1. County authority concerning subdivisions, county roads, and bridges
  2. EEOC complaints
- III. Section 551.0785 to deliberate matters involving:
  1. Medical records of an individual applicant for benefits
- IV. 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 and being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 8<sup>th</sup> DAY OF APRIL A.D., 2013

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE PRO-TEM  
KENDALL COUNTY, TEXAS