

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 May 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**

1. **The meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.**
Judge Pro-Tem Lux said that last Friday, Judge Schroeder announced his retirement effective June 1, 2013.

2. **THE STATE OF TEXAS**
COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for April 22 and 29, 2013.**
Motion was made by Commissioner Fincke, seconded by Commissioner Rusch, 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 Claims as submitted (on file).**
Motion was made by Judge Pro-Tem 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 new Grant Application Checklist (attached).**
Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, and carried by a vote of 4-0.

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 March 2013 as submitted (attached).**
Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 4-0.

6. **The County Treasurer presented the Sales Tax Report for April 2013.**

7. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Investment Report for the 2nd Quarter of fiscal year 2013 as submitted (attached).
Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 4-0.
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8. **PUBLIC COMMENTS:**
- Jim Westermeier, a member of the Kendall County Genealogical Society, announced a fundraising BBQ on Saturday, May 25th from 11:00 a.m. to 2:30 p.m. at The Family History Place at 114 E. Blanco Road.
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9. The winners of the 5th Annual Weight Loss Challenge are: Thresie Groenke, Denise Pendley, Jean (Max) Maxwell, and John Jenkins. Thresie Groenke and Emily Corea won the drawings sponsored by Alamo Insurance Agency.
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- 10-1. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Proclamation to include Kendall County in the Preserve America program and to apply for designation as a Preserve America Community (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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- 10-2. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the creation of web pages on the Kendall County website to be used by the Kendall County Historical Commission.
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 changing the name of Fund 81 to "Historical Preservation."
Motion was made by Commissioner Miertschin, seconded by Judge Pro-Tem Lux, and carried by a vote of 4-0.
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12. Commissioner Miertschin reported on activities of the Alamo Area Council of Governments (AACOG).
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13. **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 Waukesha Planned Maintenance Agreement for jail generators.
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 approve the changes to the contract for the updated Business Associate Agreement with Intermedix.

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

15. No action was taken on reinstating the burn ban. It is still lifted.

16. No action was taken on the Texas Veteran's Commission Spring Conference.

17. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Seat Belt Policy to be included in the Kendall County Policy Manual.

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

18. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the purchase of flag poles for Road & Bridge and the Kendall County Annex.

Motion was made by Commissioner Rusch, seconded by Commissioner Fincke, 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 table this agenda item which pertains to new software for the Courthouse air conditioning system.

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

20-1. County Attorney Don Allee and Assistant County Attorney Robert Eason made a presentation to the Court concerning the existence of obstructions in the right-of-way of Upper Cibolo Creek Road. Exhibits numbers 2, 3, 4, 5, 6, 7, 8, and 9 were presented to the Court through the sworn testimony of Road Superintendent Ricky Pfeiffer. Ricky Pfeiffer testified that the obstructions in the right-of-way of Upper Cibolo Creek Road were a safety hazard to persons using the road. Other persons who were sworn in and addressed the Court on the matter were Tana Kehoe, David White, Jan Speaker, and Sherri Yates.

At 11:34 a.m. the Court closed Open Session and went into Executive Session pursuant to Section 551.071 Texas Government Code to seek the advice of the County Attorney and Assistant County Attorney concerning County authority concerning subdivisions, County roads and bridges.

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

22. No action was taken on possible repairs to the antenna system on the Jennifer Drive Tower (Supplemental Agenda I).

20-2. 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 obstacles in the right-of-way on Upper Cibolo Creek Road.

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

At 12:21 p.m. the Court closed Open Session, took a lunch break and at 1:30 p.m. went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- 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 Parks Department
 2. Duties and responsibilities of Human Resources Director
 3. Duties and responsibilities of Sheriff's Department
 4. Duties and responsibilities of EMS personnel (Supplemental Agenda II)
- 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
 3. Claim of Guy James Gray
- III. Pursuant to Section 551.0785 to deliberate matters involving 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 3:48 p.m. the Court closed Executive Session and resumed Open Session where the following motions were made:

I-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize hiring an Administrative Specialist I, Grade 7, in the Parks Department instead of a Park Maintenance Technician, Grade 7.

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

I-4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize EMS to hire EMS personnel at the agreed salary.

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 allow County employees to donate sick leave for up to a total of 200 hours to an employee in the Road & Bridge department.

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

Being no further business, the meeting was adjourned at 3:58 p.m.

EXAMINED AND APPROVED THIS 28th DAY OF May A.D., 2013.

ATTESTED: 
COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE PRO-TEM
KENDALL COUNTY, TEXAS