

**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 10<sup>th</sup> day of June 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**

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1.      The meeting was called to order at 9:00 a.m.

Judge Pro-Tem Lux told the Court that former County Judge, Gaylan Schroeder, had passed away and expressed the sympathy of the Court to his family.

The Pledges of Allegiance were recited to the United States flag and to the State of Texas flag.

Later in the meeting, Judge Pro-Tem Lux announced that the office hours of the Courthouse would be affected by the Memorial Service for Judge Schroeder on Wednesday, June 12th.

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2.      Mike Schultz, Mayor of the City of Boerne, presented the Court with a reimbursement check from the development agreement with Esperanza in the amount of \$82,547.65 for the Herff Road Project.
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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 Minutes for May 28 and June 3, 2013.

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 Claims for purchases, services, and vendors 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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5.      The Assistant County Treasurer presented the Sales Tax Report for May 2013.
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6.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the publication of a Public Notice for a Public Hearing on July 8, 2013 at 9:00 a.m. regarding the collection of a Records Archive Fee in the County Clerk's office.

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

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7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the following for Thursday, July 4, 2013, for the 4<sup>th</sup> of July parade in Comfort:

- 1) closing the following streets from 9:30 a.m. to 12:30 p.m.: Idlewilde Boulevard, Daniel Drive, Edgewood Drive, Highway 87, Highway 27, Lindner Avenue, High Street, and Fifth Street
- 2) blocking off Main Street from Highway 27 to 5<sup>th</sup> Street between the hours of 7:00 a.m. to 5:00 p.m. to allow parking along that section for only emergency and authorized vehicles.

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

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8. PUBLIC COMMENTS:

- Commissioner Miertschin gave a status report on the last AACOG (Alamo Area Council of Governments) meeting that he attended.
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9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief for Cordillera Ranch Subdivision, Unit 206A-2:

- 1) to have 50 feet of right-of-way and 21 feet of paved surface in lieu of 60 feet of right-of-way and 36 feet of paved surface for lot sizes smaller than 300 feet by 300 feet;
- 2) to allow road frontage of 36.08 feet for Lot 1042, Block Z, in lieu of 100 feet;
- 3) to allow a horizontal curve radius of 300 feet in lieu of 382 feet.

Motion was made by Commissioner Miertschin, seconded by Judge Pro-Tem Lux, 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 grant relief from platting requirements for the proposed division of land to create a 3.74-acre tract out of the parent tract of +/- 244 acres on Seewald Road (Jim Mazurek).

Motion was made by Judge Pro-Tem Lux, 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 1) deny relief from platting requirements and 2) grant relief to lot size for the proposed division of land to create separate commercial tracts for a dental office and a veterinary clinic (George E. Metz III).

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Miertschin, 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 approve the contracts with Crown Correctional Telephone, Inc. for the Coinless Telephone and Commissary Agreement pending modifications by the County Attorney's office.

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 County Elections Administrator presented House Bill 1164 and its impact on the County's voting precincts.

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

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At 9:38 a.m. the Court closed Open Session, took a break and at 9:50 a.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 Human Resources Director
  2. Deliberation concerning appointment of County Judge
- 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 11:50 a.m. the Court closed Executive Session and resumed Open Session where the following motions were made:

I-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to start the process of the appointment of Darrel Lux as County Judge.

Motion was made by Commissioner Fincke, seconded by Commissioner Rusch, and carried by a vote of 3-0-1 with Commissioner Lux abstaining.

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15. 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 County Attorney's office.

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 11:57 a.m.

EXAMINED AND APPROVED THIS 24<sup>th</sup> DAY OF June A.D., 2013

ATTESTED: *Darlene Herrin*  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

*D. J. J.*  
COUNTY JUDGE PRO-TEM  
KENDALL COUNTY, TEXAS