

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 24<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. with the Pledge of Allegiance to the United States and Texas flags.

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2.       The following Service Awards were presented:

- 10 years of service: Tobias Bagley, Road & Bridge Department
  - 10 years of service: Eric Van Slycke, Road & Bridge Department
  - 10 years of service: Roger Baker, Sheriff's Department
  - 5 years of service: Richard Tobolka, Development Management
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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 June 10 & 17, 2013.

Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, 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 May 2013 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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5.       THE STATE OF TEXAS

COUNTY OF KENDALL       It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments for fiscal year 2013 (attached).

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Fincke, 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 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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7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Balances for April 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:

- Commissioner Miertschin announced that a wi-fi hot spot had been installed in the Assembly Room on the 3<sup>rd</sup> floor.
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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 membership roll for the Kendall County Child Services Board (attached).

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

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10. Natalie Morgan, Assistant Director of the Patrick Heath Public Library presented the library's Strategic Plan for 2013-2016. She began by expressing sympathy on the passing of former County Judge Gaylan L. Schroeder and appreciation for his support and vision for the library during their capital campaign. She also said that to honor his memory a tree and plaque would be placed on library grounds.
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11. 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 requesting the Attorney General of the State of Texas for an opinion regarding the Comal County Emergency Service District and Library District taxes being assessed to Kendall County residents on certain services provided by Guadalupe Valley Telephone Cooperative.

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. No action was taken regarding the document shredding service.
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13. No action was taken regarding new software to run the air conditioning system at the Courthouse.
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14-1. 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 Quitclaim request from the Sisterdale Volunteer Fire Department.

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

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14-2. This agenda item was addressed after agenda item #18.

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14-3. This agenda item was addressed after agenda item #18.

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15. The Road Superintendent presented a summary of activities for Road & Bridge for May 2013 (attached).

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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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17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the lease purchase agreement with Capital City Leasing for haul truck and water truck purchase.

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

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18. This agenda item was addressed after agenda item #19.

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19. 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 106B, Lots 26 & 27 into Lot 26A.

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

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18. 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 Rules and Regulations requiring a cul-de-sac to have a 50-foot pavement radius on the outside of the corner in the turn to a 40-foot pavement radius on the outside of the corner in the turn for Cordillera Ranch Subdivision, Unit 206A-2.

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

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14-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable this agenda item pertaining to the Quitclaim request from the Sisterdale Volunteer Fire Department.

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

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14-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Quitclaim between Kendall County and the Sisterdale Volunteer Fire Department (attached).

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

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

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21. 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 Rules and Regulations, subsection 103.0500, to allow a cul-de-sac length less than 300 feet for a length of 72.69 feet on Petuck Point and a length of 75.44 feet on Corazoncito Circle for Lerin Hills Subdivision.

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

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22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve taking Loop 1087 in Comfort into the County road maintenance system due to the one-year maintenance bond provided by Love's Travel Stop expiring on June 25, 2013.

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

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At 10:33 a.m. the Court closed Open Session, took a break, and at 10:42 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. 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 require confidential communications. Specific topics to be discussed:
  1. County authority concerning subdivisions, county roads, and bridges
  2. EEOC complaints
  3. Guy James Gray vs. Kendall County
  
- III. 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 11:15 a.m. the Court closed Executive Session and resumed Open Session where the following motion was made:

I-1-a. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint James W. "Bill" Gooden as Kendall County Judge.

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

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The County Clerk administered the oath of County Judge to James W. "Bill" Gooden.

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The Court adjourned at 11:25 a.m.

The Court resumed Open Session at 1:58 p.m. where the following motion was made:

I-1-b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the bond for Kendall County Judge James W. "Bill" Gooden.

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

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Being no further business, the meeting was adjourned at 2:00 p.m.

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

ATTESTED:

  
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COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
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COUNTY JUDGE  
KENDALL COUNTY, TEXAS