

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 12th day of August 2013.

Present: **DARREL L. LUX, COUNTY JUDGE**
 MIKE FINCKE, COMMISSIONER, PCT. #1
 GENE MIERTSCHIN, COMMISSIONER, PCT. #2
 RICHARD J. CHAPMAN, COMMISSIONER, PCT. #3
 KENNETH M. RUSCH, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT

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

2. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for July 22 & 23, 2013.**

Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

3-1. **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 as submitted (attached).**

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 5-0.

3-2. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Emergency Declarations for budgetary purposes due to funds needed in excess of budgeted amount (attached).**

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 5-0.

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 Rusch, and carried by a vote of 5-0.

5. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Kendall County joining the cooperative purchasing organization known as National Joint Powers Alliance (NJPA).

Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 5-0.

6. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the purchase of Incode Version X Financial Software from Tyler Technologies for the County Auditor's Office pending approval of the agreement by the County Attorney's Office.

Motion was made by Judge Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

7. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Treasurer to request unclaimed property from the State Comptroller's Office.

Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, and carried by a vote of 5-0.

8. **PUBLIC COMMENTS:**

- Nancy McLarry with the Kendall County Genealogical Society invited the members of the Court to the one-year anniversary party of the Family History Place on September 3rd at 6:30 p.m.
 - Judge Lux gave an update on current events for the Sisterdale Volunteer Fire Department fundraiser, the Berghem Volunteer Fire Department fundraiser, and the Heritage Passport event at the Bat Tunnel.
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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 increasing the County Clerk's Records Management and Preservation Fee by \$5.00.

Motion was made by Commissioner Fincke, seconded by Commissioner Chapman, and carried by a vote of 4-1 with Commissioner Miertschin voting against .

10. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2013 Certified Appraisal Roll Total of \$3,756,629,057.00 (Freeze Adjusted) Taxable Value as certified by the Kendall Appraisal District.

Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

11. James Hudson, County Tax Assessor-Collector, presented the 2013 Effective Tax Rate and Rollback Tax Rate (attached).

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Road & Bridge Fee at \$10.00 and the Child Safety Fee at \$1.00 effective for 2014.

Motion was made by Judge Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

13. A Public Hearing was held regarding the application filed by Russell Boyd for the proposed plat revision of Sleepy Hollow Subdivision, Unit 2, Lot 7A, filed in Volume 5, pages 253-254 of the Plat Records of Kendall County, Texas. The proposed plat revision would create two lots consisting of (+/-) 6 acres and (+/-) 34 acres. Applicant is requesting relief for road frontage in accordance to Section 300.1100 (lot size/road frontage/density/setback) of Kendall County Development Rules and Regulations. The proposed (+/-) 6-acre lot would have 250 feet of frontage while the (+/-) 34-acre tract would have 61 feet of frontage. The following people spoke:

- Russell Boyd
 - Shari Anderson
 - Beverley Kennan
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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 relief for road frontage for Sleepy Hollow Subdivision, Unit 2, Lot 7A.

Motion was made by Commissioner Miertschin, seconded by Judge Lux, and carried by a vote of 5-0.

(ORDER RESTRICTING OUTDOOR BURNING ORDER 08-05-2013 was adopted August 5, 2013 by the County Judge)

15. THE STATE OF TEXAS

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

Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request for a fireworks display on August 18, 2013 on the driving range at Buckhorn Golf Course, with all of the safety precautions in effect, for a Marine Corps veteran returning home.

Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, and carried by a vote of 5-0.

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the use of the old Waring Fire Department ambulance unit that is currently at the old Road & Bridge facility by the Kendall County CERT (Citizen Emergency Response Team).

Motion was made by Commissioner Rusch, seconded by Commissioner Fincke, and carried by a vote of 5-0.

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County picking up the maintenance fee (air time) for the 10 portable radios which the Boerne EMS Association is purchasing for Kendall County.

Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 5-0.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve modifications to the Road History Forms of five roads due to changes in length (Road History Forms attached for Adler St, Cascade Caverns Rd, Old San Antonio Rd, Scenic Loop Rd, and Toepperwein Rd).

Motion was made by Commissioner Miertschin, seconded by Commissioner Chapman, and carried by a vote of 5-0.

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement between the Comfort Independent School District and Kendall County as pertains to School Resource Officers.

Motion was made by Commissioner Rusch, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve changing the working hours of the Facilities Maintenance Department from 8 a.m. to 5 p.m. to the new hours of 7 a.m. to 4 p.m. effective immediately.

Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, and carried by a vote of 5-0.

22. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare the unused former office at the Solid Waste Collection Station on Spanish Pass Road as salvage/surplus property for auction.
Motion was made by Judge Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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23. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief to minimum building setback, submission of groundwater availability report, and access to fire protection well and storage tank by easement in accordance with Sections 304.1100, 301.1100 and 302.1100 of the Kendall County Development Rules and Regulations for property on Highway 3351 (George Metz III).
Motion was made by Commissioner Chapman, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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24. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to deny the request for relief to minimum road frontage for Cordillera Ranch Subdivision, Unit 301A, Block B, Lots 12 and 19.
Motion was made by Commissioner Chapman, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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25. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Preliminary Plat for Lerin Hills Garden Homes Subdivision, Unit 1, Phase 1.
Motion was made by Commissioner Fincke, seconded by Judge Lux, and carried by a vote of 5-0.
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26. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow Texas County and District Retirement System (TCDRS) representatives to give employee presentations.
Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow Juanita Espino, Human Resources Director, to submit an application to the Texas Department of Public Safety for approval to conduct criminal background checks on applicants for employment with Kendall County.

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 5-0.

28. Jeffery Fincke, Emergency Management Coordinator, gave a presentation on activities of the EMS and Fire Departments for the first six months of 2013.

At 11:00 a.m. the Court closed Open Session, took a break and at 11:10 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 the County Judge
 2. Duties and responsibilities of the Human Resources Department
 3. Duties and responsibilities of the Facilities Maintenance Department
 4. Duties and responsibilities of the Sheriff's Office

- 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(s) 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. San Miguel vs. Kendall County
 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 12:05 p.m. the Court recessed Executive Session and at 1:05 p.m. resumed Executive Session.

At 1:55 p.m. the Court closed Executive Session and at 2:03 p.m. went into Open Session and being no further business, the meeting was adjourned at 2:04 p.m.

EXAMINED AND APPROVED THIS 26th DAY OF August A.D., 2013.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS