

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 26th 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

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

The Court extended sympathy to the family of Leslie Paige Hernandez, formerly with EMS, whose mother, Wandalee Bentzel, passed away.

2. **The following Service Awards were presented:**

- **10 years of service: Tammy MacDiarmid, Sheriff's Office**
- **30 years of service: Debby S. Hudson, Justice of the Peace, Precinct 3**

3. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for August 6, 12, 13 & 19, 2013.**

Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, 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 Monthly Reports for July 2013 as submitted (on file).**

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, 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 approve the Interlocal Agreement with Lubbock County for funding and representation by the Regional Public Defender for Capital Cases.**

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 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.

7. 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 Lux, seconded by Commissioner Chapman, and carried by a vote of 5-0.

8. The County Auditor presented the Fiscal Year 2013 Budget Adjustments and the Fiscal Year 2014 and 2015 Initial Budgets for the Kendall County Community Supervision and Corrections Department as approved by Keith Williams, District Judge, and Bill Palmer, County Court-at-Law Judge (attached).

9. The County Treasurer reported on 2013 sales tax collections for June which were received in August.

10. THE STATE OF TEXAS

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

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

11. 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 3rd Quarter of fiscal year 2013 as submitted (attached).

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

12. PUBLIC COMMENTS: No one spoke.

13. Andra Wisian from the Kendall County Youth Agriculture & Equestrian Center gave a brief history of the grant funding, the free services given by construction entities, a progress report on the construction, and plans for the inclusion of a dog park.

14. Judge Lux recognized the Kendall County Historical Commission as a recipient of the Distinguished Service Award for outstanding preservation work accomplished in 2012 through programs that educate citizens and generate interest in the history and character of Texas.

15. Paul Barwick and Bryden Moon, representatives of the Kendall County Historical Commission, gave an update on the Heritage Passport program and the special events planned for historical and cultural experiences.

At this time, Judge Lux recognized Paul Barwick as the first recipient of the "Raising the Bar Award" given by the Kendall County Historical Commission to an individual who excels in promoting the historical significance of the County.

16. Judge Lux announced that Kendall County has been designated as a Preserve America Community through the programs and activities that protect and celebrate the County's unique heritage.

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

18. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the participation of Kendall County EMS in the National Disaster Medical System Mass Casualty Exercise on September 19, 2013.

Motion was made by Commissioner Rusch, 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 the contract for Imaging Services with PROPERTYINFO-COUNTYFUSION for the County Clerk's Office.

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 polling locations for the November 5, 2013 Constitutional Amendment Election (attached).

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

21. The Elections Administrator gave a presentation on the new Photo ID requirements for voting in Texas elections.

22. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve naming the private driveway at 613 Highway 46 East "Lennard Mac Tr" (Road History Form attached).

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

23. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement with the City of Boerne concerning improvements to Adler and Toepperwein Roads.

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

24. 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 a Facilities Maintenance employee.

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

25. **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 Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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26. The Road Superintendent presented a summary of activities for Road & Bridge for July 2013 (attached).
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27. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the bid schedule for Phase 1 construction of the Herff Road Project, specifically advertising for bids beginning August 30th with a pre-bid conference on September 18th and all bids due by September 30th.
Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 5-0.
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28. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the cancellation of the entire Comfort Falls Aviation Estates Subdivision filed in Volume 6, pages 65-68, of the Kendall County Plat Records and in accordance with Sections 204 and 210 of the Kendall County Development Rules and Regulations and Kendall County Order No. 08-26-2013 Instrument of Cancellation (attached).
Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, and carried by a vote of 5-0.
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29. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Champee Springs Ranches Subdivision, Tracts 3A-3G-a and 3A-3H into Tracts 3A-3G-b and 3A-3H-a in accordance with Section 209 of the Kendall County Development Rules and Regulations (MFP Realty).
Motion was made by Commissioner Fincke, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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30. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage in accordance with Section 301 of the Kendall County Development Rules and Regulations for the proposed (+/-) 3.0-acre tract to be created out of a (+/-) 15.5-acre tract which would be accessed through a 50-foot easement for roadway purposes (Wayne and Melinda Huff, 25 Ernst Rd).
Motion was made by Commissioner Chapman, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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31. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to platting requirements in accordance with Section 101.1000 of the Kendall County Development Rules and Regulations for the proposed division of a (+/-) 103-acre tract, creating a (+/-) 65-acre tract and a (+/-) 38-acre tract accessed over a 30-foot egress easement (Case Gatlin, G Bar Ranch Properties LTD, 10232 Johns Rd).
Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

32. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution of Support for the Castle Lake Ranch Volunteer Fire Department's grant application to LCRA (Lower Colorado River Authority) for personal protective equipment (attached).
Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

33. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement for 9-1-1 Public Safety Answering Point Services and Database Maintenance between AACOG (Alamo Area Council of Governments) and Kendall County.
Motion was made by Judge Lux, seconded by Commissioner Chapman, and carried by a vote of 5-0.

34. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request of Cypress Creek Cultivators to use a part of the softball field in Comfort for a community garden and at a later date possibly planting fruit-bearing trees.
Motion was made by Commissioner Rusch, seconded by Commissioner Fincke, and carried by a vote of 5-0.

35. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Kendall County AACOG appointments as discussed effective September 1, 2013 (attached).
Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

36-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a per diem rate of \$50.00, to be backed up by receipts, for Kendall County employees when traveling.

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 3-2 with Judge Lux and Commissioner Chapman voting against.

37. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve appointing Commissioner Gene Miertschin as County Judge-Pro-Tem.

Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 4-0-1 with Commissioner Miertschin abstaining.

At 10:45 a.m. the Court closed Open Session, took a break, and at 11:00 a.m. went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- I. 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 require confidential communications. Specific topics to be discussed:
 - 1. County authority concerning subdivisions, county roads, and bridges
 - 2. San Miguel vs. Kendall County
 - 3. Guy James Gray vs. Kendall County
 - 4. Claim of Jonathan Landis
- II. Pursuant to Section 551.0745 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. Regarding personnel evaluations and duties of appointed members to an advisory board
- 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 11:50 a.m. the Court closed Executive Session and resumed Open Session at 11:55 a.m. where the following motions were made:

I-4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve reimbursing Jonathan Landis for his claim against Kendall County.

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


36-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to amend the previous order #36-1 to have an effective date of October 1, 2013.

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 3-2 with Judge Lux and Commissioner Chapman voting against.

Being no further business, the meeting was adjourned at 12:02 p.m.

EXAMINED AND APPROVED THIS 9th DAY OF SEPTEMBER A.D., 2013.

ATTESTED: 
COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS