

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 23rd day of September 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.**

2. **The following Service Awards were presented:**
 • **10 years of service: Steven Fleming, Parks Department**
 Staci Decker, Elections Administrator

3. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for September 9 & 16, 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 August 2013 as submitted (on file).**

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

5-1. **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 Chapman, seconded by Commissioner Rusch, and carried by a vote of 5-0.

5-2. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Emergency Declarations as submitted (attached).**

Motion was made by Commissioner Miertschin, seconded by Commissioner Chapman, 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 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.
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7. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim October 2013 as Family History Month (attached).
Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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8. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim September 2013 as Hunger Action Month (attached).
Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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9. A Public Hearing was held regarding the application filed by SSK Partners, Ltd for the proposed Plat Revision of Pleasant Valley, Unit 1, Lot 3 into two lots consisting of 0.063 and 1.538 acres. Relief is requested for minimum road frontage, minimum lot size, and density. A 20,000-gallon water storage tank would be on the 0.063-acre lot for the benefit of the Bergheim Volunteer Fire Department. The following people spoke: J.W. Pieper and Jeff Fincke.
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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 the request for relief for minimum road frontage, minimum lot size, and density in accordance with Section 300.1100 of the Kendall County Development Rules and Regulations for the proposed Plat Revision of Pleasant Valley, Unit 1, Lot 3 to provide for a 20,000-gallon water storage tank for the Kendall County fire departments.
Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 5-0.
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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 the Plat Revision of Sleepy Hollow Subdivision, Unit 2, Lot 7A.
Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 5-0.
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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from platting requirements in accordance with Section 101.1000 of the Kendall County Development Rules and Regulations. The purpose of the division is to create a (+/-) 6.11-acre tract and a (+/-) 3.75-acre tract from the (+/-) 9.86-acre parent tract. The proposed family division would result in a (+/-) 3.75-acre tract for domestic/residential use (50500 IH-10, Paul S. Duran).

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

13. PUBLIC COMMENTS:

- (During Agenda Item #17) Jackie Palmer, Executive Director of the Hill Country Animal League, spoke concerning the spaying and neutering of animals prior to adoption.
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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reappoint Don Edmondson as the County's director on the Kendall Appraisal District Board of Directors.

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to nominate Commissioner Mike Fincke to fill the position of County representative on the Kendall County Economic Development Corporation Board of Directors.

Motion was made by Commissioner Miertschin, seconded by Commissioner Chapman, 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 purchase of a new computer for the Facilities Maintenance Department by moving money from the Other Capital Outlay line item 10-510-55900 and the EMS Repair line item 10-510-54503.

Motion was made by Commissioner Miertschin, seconded by Judge Lux, 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 table this agenda item which pertains to the amendment to the Rabies Prevention and Animal Control Order.

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

18. The Elections Administrator gave an update on the Voter Outreach Program being conducted by the County Elections Department.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Elections Office to establish Facebook and Twitter accounts.

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 table this agenda item which pertains to the Interlocal Agreement with Rockwall County to participate in a federal grant program to provide blank ballots to military and overseas voters.

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

(THE BURN BAN WAS RESCINDED ON 09-20-2013 BY THE COUNTY JUDGE)

21. THE STATE OF TEXAS

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

Motion was made by Judge Lux, seconded by Commissioner Rusch, 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 approve the change in the Discount Policy through Intermedix for a 5% discount for payments made within 30 days, but after 30 days the full payment with no discount. The allowance for hardship will remain.

Motion was made by Commissioner Rusch, 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 authorize the reimbursement of the fire truck payment for the Bergheim Volunteer Fire Department using funds previously designated for pagers in the amount of \$1,700.00.

Motion was made by Commissioner Miertschin, seconded by Judge Lux, 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 enter into negotiations for the 16 copier / printer / scanner / fax machines with Toshiba Business Solutions; and if the County staff feels that Toshiba is not negotiating in good faith, the Court will move on to negotiations with Dahill.

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

25-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution 09-23-2013 APPROVING MASTER AGREEMENT GOVERNING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT (attached).

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

25-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the MASTER AGREEMENT GOVERNING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENTS with the State of Texas Department of Transportation.

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

26-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to go out for bids for voice and data systems for Kendall County.

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

26-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Contract between Kendall County and the City of Boerne for Detention Services with the following change: on paragraph 4b strike the last sentence.

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

26-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement for Fire Protection Services with the City of Boerne.

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

26-4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement for Public Safety and Utilities Communication Services between Kendall County, the City of Boerne, and the City of Fair Oaks Ranch.

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

26-5. 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 Non-exclusive Memorandum of Understanding with the Hill Country Council on Alcohol and Drug Abuse.

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

26-6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement for the Kendall County Emergency Response Team with the City of Boerne, the City of Fair Oaks Ranch, Kendall County, and Texas Parks & Wildlife.

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

26-7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement between Kendall County and the City of Boerne for Health Sanitarian Services.

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

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Investment Policy for fiscal year 2014 (attached).

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

28. This agenda item was addressed later in the meeting after agenda item #30.

29. No action was taken pertaining to the Notice of Proposed Construction on County right-of-way by Guadalupe Valley Telephone Cooperative (GVTC) for placing fiber optic communications cable and appurtenances along Edge Falls Road, Crabapple Road, and Old Blanco Road.

30. No action was taken pertaining to the County Calendar on the County website.

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

At 12:00 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.** The Court will meet in Executive Session 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

- II.** The Court will meet in Executive Session 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.** Duties and responsibilities of the Kendall County Sheriff's Department
 - 2.** Duties and responsibilities of the Tax Assessor-Collector's Office
 - 3.** Duties and responsibilities of the Road & Bridge Department
 - 4.** Duties and responsibilities of the Human Resources Department
 - 5.** Duties and responsibilities of the County Surveyor

- III.** The Court will meet in Executive Session 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

- IV. The Court will meet in Executive Session pursuant to Section 551.087 to discuss or deliberate regarding commercial or financial information that the Kendall County Economic Development Corporation (KCEDC) has received from a business prospect that the KCEDC seeks to have locate, stay, or expand in Kendall County and with which the KCEDC is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

At 4:15 p.m. the Court closed Executive Session and resumed Open Session where the following motion was made:

II-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and pay the settlement agreement with the Texas Railroad Commission for the Road & Bridge department.

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

Being no further business, the meeting was adjourned at 4:20 p.m.

EXAMINED AND APPROVED THIS 15th DAY OF OCTOBER A.D., 2013

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS