

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 November 2013.

Present:            DARREL L. LUX, COUNTY JUDGE  
                      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

Absent:            MIKE FINCKE, COMMISSIONER, PCT. #1

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 October 28, 2013.

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

3.      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 with changes as discussed (on file).

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

4.      THE STATE OF TEXAS

COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to request the County Auditor to perform an audit of the Sheriff's Chapter 59 Asset Forfeiture Funds as required by Article 59.06 of the Code of Criminal Procedures.

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

5.      The County Treasurer reported on 2013 sales tax collections for October.

6.      No action was taken on reinstating the burn ban. It is still off.

7. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the Kendall County Relay for Life team to offer tacos for donations with the schedule of dates to be provided later. Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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8. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the Armed Forces Benefit Association to come on premises and approach employees of the Sheriff's Department, EMS, and fire departments to present them with individual life insurance policies. Motion was made by Commissioner Chapman, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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9. PUBLIC COMMENTS: No one spoke.

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10. Carolyn Arnold, President and CEO of CACC, Inc. presented the telephone bill audit.

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11. 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 with a note on the Deed and the Affidavit of Land Location designating that the division is a "family division" for the proposed division to create a (+/-) 3.007-acre tract out of the (+/-) 587-acre parent tract with access through an existing 10-foot easement to Giles Ranch Road (Dorothy Beckmann Leslie). Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, 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 Amending Plat of Diamond Ridge, Lots 26, 27, and 28 into Lots 26A and 28A. Motion was made by Commissioner Miertschin, seconded by Judge Lux, and carried by a vote of 4-0.

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13. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision of Pleasant Valley Estates, Unit 1, Lot 3 creating two lots of 0.063 and 1.538 acres. Motion was made by Commissioner Miertschin, seconded by Judge Lux, and carried by a vote of 4-0.

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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Final Plat of Kendall Woods Office Complex in accordance with Section 204 of the Kendall County Development Rules and Regulations.

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

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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Comfort Outlot 68C and part of Outlot 68 into Outlots 68D and 68E in accordance with Section 209 of the Kendall County Development Rules and Regulations.

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

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16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to send a letter of permission from the Court for the Texas Alcoholic Beverage Commission (TABC) to allow the Comfort Chamber of Commerce to sell alcohol on Saturday, November 30th at the Chamber booth on 7th Street, which will be closed to traffic, during the Christmas in Comfort event.

Motion was made by Commissioner Rusch, seconded by Commissioner Miertschin, 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 leasing the FEMA lot located at 226 8th Street in Comfort to Marie Becker for recreational purposes.

Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, 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 approve the lease with Government Capital Corporation for four vehicles for the Sheriff's Office (Resolution 11-12-2013A attached).

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

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19. **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 contract with J3 Company, LLC, for the construction of Herff Road from State Highway 46 to Old San Antonio Road.  
Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 4-0.
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20. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the paying of Road & Bridge personnel in lieu of compensation time when they substitute for an attendant at the Brush Site, Solid Waste Collection Station, or the Recycling Facility.  
Motion was made by Judge Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.
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21. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 11-12-2013B casting the County's votes for the Kendall Appraisal District Board of Directors to Don Edmondson (attached).  
Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 4-0.
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22. The Boerne Chamber of Commerce gave a presentation on the Chamber's function and benefits of membership.
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23. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve setting the Texas County & District Retirement System (TCDRS) employer contribution rate for calendar year 2014 at 7.62 percent.  
Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 4-0.
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24. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint Juanita Espino, Human Resources Director, as the Sick Leave Pool Administrator.  
Motion was made by Judge Lux, seconded by Commissioner Chapman, and carried by a vote of 4-0.
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25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint Mike Fincke, Commissioner Precinct 1, and Corinna Speer, County Auditor, to the Sick Leave Pool Review Panel. Motion was made by Commissioner Miertschin, seconded by Judge Lux, and carried by a vote of 4-0.

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26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve modifying the Sick Leave Pool enrollment/contribution forms to have 8-hour increment contribution amounts with a maximum contribution of 40 hours for enrollment and a maximum contribution of 80 hours for termination. Motion was made by Judge Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Human Resources Director to conduct informational workshops about the Sick Leave Pool to all Kendall County employees. Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 4-0.

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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 submission of a contract with the Texas Department of Public Safety (DPS) to obtain the driving record information on prospective employees and current employees. Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, and carried by a vote of 4-0.

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At 10:35 a.m. the Court closed Open Session and at 10:45 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 are:
  1. County authority and obligations concerning subdivisions, County roads and bridges, and purchasing
  2. Guy James Gray vs. Kendall County
- II. 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 Sheriff's Office

- III. Pursuant to Section 551.072 to deliberate the purchase, exchange, lease or value of real property.  
(Note: Deliberations 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 went into Open Session and being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 25th DAY OF November A.D., 2013.

ATTESTED:   
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS