

**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 December 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**

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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.  
Judge Lux expressed sympathy to the family of Mike Coyle who passed away last weekend.

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2.      The following Service Awards were presented:

- 5 years of service: Chris Valenzuela, Road & Bridge Department
- 5 years of service: Jason Correia, Road & Bridge Department
- 5 years of service: Corrie Lindstrom, County Tax Assessor-Collector's Office
- 5 years of service: Francisca Scarbro, Sheriff's Office
- 10 years of service: Shelly Jennings, EMS Department
- 15 years of service: Robert Haffner, Road & Bridge Department
- 15 years of service: Cindy Silva, Auditor's Office
- 20 years of service: Rusty Cass, Road & Bridge Department

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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 December 9, 2013.  
Motion was made by Judge Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

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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 November 2013 as submitted (on file).  
Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 5-0.

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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 Claims for purchases, services and vendors as submitted (on file).  
Motion was made by Commissioner Fincke, seconded by Commissioner Chapman, and carried by a vote of 5-0.

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6.      The County Treasurer presented the December Sales Tax Report.

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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 September 2013 as presented (attached).

Motion was made by Commissioner Miertschin, seconded by Judge Lux, 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 approve the Investment Report for the 4th Quarter of fiscal year 2013 as submitted (attached).

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

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

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10. PUBLIC COMMENTS:

- Jeff Fincke, EMS Coordinator, reminded everyone of the EMS Christmas breakfast at the Hungry Horse Restaurant on December 25th at 7:00 a.m.
  - Judge Lux announced that the bond refinancing that was approved December 9th had been expected to save the County \$214,000 but after the final bid from Broadway Bank was accepted, the actual amount saved was \$363,000.
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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 three Sick Leave Pool forms.

Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, 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 approve the Road History Form for Cross Hill Road which is in the Kreutzberg Canyon Natural Area (Road History Form attached).

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

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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 Ergon as the supplier for Item #300 Asphalt Products for fiscal year 2014 Road & Bridge material.

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

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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the contract for Road & Bridge Waste Oil Collection for 2014 to Approved Environmental Services pending approval by the County Attorney's office.

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

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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 contract for engineering services for Phase I of the Herff Road Project and award it to Klotz Associates, Inc.

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

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16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision of Cordillera Ranch, Unit 205, Block A, Lot 9A into Lots 9A-1 and 9A-2.

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

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17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief by Cordillera Ranch in Unit 301B to omit the striping on Landmark Ridge and Landmark Place as required by Section 410.1000 in the 1997 Development Guidelines and Regulations Rule Book.

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

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18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize proceeding with the application for the grant funds to be administered by the Texas Department of Transportation (TxDOT) to Texas counties for damages to county roads as a result of energy activities pending any additional information that would require additional fund expenditures.

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

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

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20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the revised Organization Chart for Commissioners Court as submitted (attached).

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

21. No action was taken regarding agenda documentation on the website or the agenda request form.

At 10:20 a.m. the Court closed Open Session and at 10:30 a.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 and obligations concerning subdivisions, county roads and bridges
  2. Guy James Gray vs. Kendall County
  
- II. 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

At 10:55 a.m. the Court closed Executive Session and at 11:00 a.m. resumed Open Session.

Commissioner Fincke was absent.

II-1. THE STATE OF TEXAS


COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the use of HRM for the closing of the right-of-way for the Herff Road Project.

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

Being no further business, the meeting was adjourned at 11:01 a.m.

EXAMINED AND APPROVED THIS 13th DAY OF JANUARY A.D., 2014.

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS