

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 28th day of January 2013.

**Present: DARREL L. LUX, JUDGE PRO-TEM (COMMISSIONER, PCT. #3)
 MIKE FINCKE, COMMISSIONER, PCT. #1
 GENE MIERTSCHIN, COMMISSIONER, PCT. #2
 KENNETH M. RUSCH, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK**

Absent: GAYLAN L. SCHROEDER, COUNTY JUDGE

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:

- 35 years of service: Jeff Fincke, EMS Coordinator**
- 20 years of service: Carolyn Best, County Judge's Office**
- 10 years of service: Gerald Neill, EMS
 Michelle Lux, Human Resources Office**
- 5 years of service: Phillip Lopez, Sheriff's Office**

Also recognized:

- 10 years of service: Gene Miertschin, Commissioner, Pct. 2**

3. THE STATE OF TEXAS

**COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to
approve the Minutes for January 14, 2013.**

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Fincke, 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
approve the Monthly Reports for December 2012 (on file).**

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

5. 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 Pro-Tem Lux, seconded by Commissioner Miertschin, and carried by a vote of 4-0.

6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Balances for October 2012 (attached).

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

7. The County Treasurer reported on the December 2012 and January 2013 sales tax for Kendall County.

8-1. PUBLIC COMMENTS:

- Charlotte Wilson spoke about a problem with a neighbor's property.
 - Earl Smith asked the Court to start meetings with prayer, to table action on item #20, and to consider having Commissioner Court meetings on Thursdays rather than Mondays.
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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 the lease of a new copier for the Treasurer's Office through a state contract.

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

10. No action was taken on reinstating the burn ban. It is still lifted.

11. Jeff Fincke, the Emergency Management Coordinator, presented the End-of-Year Report for Emergency Services in Kendall County.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the appointment of two additional people to the Historical Commission, Louis Haufler and Donald Evans (2013-2014 Membership Roster attached).

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize signing the Tocker Foundation 2013 Grant Application for the Comfort Public Library (attached).

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

14. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve reimbursement for hotel expenses in an adjacent county for the Park Manager to attend University Landscape Managers Association Annual Conference in February 2013.
Motion was made by Commissioner Rusch, seconded by Commissioner Miertschin, 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 grant the request for relief for road frontage per Section 102.1000.2 Family Division of the County Development Rules & Regulations for the Patricia Ryan Ranch off of FM 1888. The division of the 20-acre tract would result in two 10-acre tracts accessed by a variable width easement for roadway purposes.
Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, 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 authorize the payment of \$5,650.00 to CASECO for the purchase of a chipper bed for Road & Bridge.
Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.
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17. The Road Superintendent presented a summary of activities for Road & Bridge for December 2012 (attached).
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18. **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 support of proposed legislation that would grant road powers to the Lerin Hills Municipal Utility District (MUD).
Motion was made by Commissioner Fincke, seconded by Commissioner Rusch, and carried by a vote of 4-0.
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- 8-2. **PUBLIC COMMENTS:**
- John Kight said he was not in favor of supporting legislation that would grant road powers to the Lerin Hills Municipal Utility District (MUD).
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19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant authority to the County Judge and Commissioner Miertschin to sign documents concerning acquisition of right-of-way and easements for the Herff Road Project.

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable agenda item #18 pertaining to the Texas State Data Center's projection of county population growth.

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

21-1. The Court heard a presentation from Alamo Area Council of Governments (AACOG) representative, David Kruse, regarding Texas State Data Center's projected population totals for Kendall County.

8-3. PUBLIC COMMENTS:

- John Kight spoke against the Court forecasting population growth.
 - Bob Reinarz expressed concern about the Court endorsing Texas State Data Center's percentages and totals for population growth.
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21-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to take no action on selecting a forecast scenario from the Texas State Data Center for population projection.

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

At 11:15 a.m. the Court closed Open Session, took a 3-minute break and went into Executive Session pursuant to:

- I. 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 responsibilities concerning subdivisions, county roads, bridges, county property, and federal requirements for drug testing.
 2. EEOC complaints
- II. 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 Elections Office
 2. Duties and responsibilities of Human Resources Director
- III. Section 551.0785 to deliberate matters involving:
 1. Medical records of an individual applicant for benefits

At 12:00 p.m. the Court recessed Executive Session and took a lunch break.

At 1:15 p.m. the Court resumed Executive Session.

At 2:50 p.m. the Court closed Executive Session and at 2:55 p.m. resumed Open Session where the following motions were made:

III-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant a Kendall County employee reasonable accommodation to medical records for medical purposes as requested.

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

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the submittal of appointees to the Alamo Area Council of Governments (AACOG) committee appointments effective 2013 as attached.

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

23-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Commissioner Miertschin and Commissioner Rusch to solicit an agreement with S&P Communications pertaining to the tower antenna lease and potential maintenance on radios and report back to the Court on February 11, 2013.

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

23-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize sending S&P Communications a letter offering a 30-day extension of the tower lease at \$250.00 per month and require a signed agreement by February 11, 2013.

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

Being no further business, the meeting was adjourned at 3:25 p.m.

EXAMINED AND APPROVED THIS 11th DAY OF FEBRUARY A.D., 2013.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE PRO-TEM
KENDALL COUNTY, TEXAS