

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 24th day of February 2014.

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

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

 Mike Schultz, Mayor of the City of Boerne, presented the Court with a check in the amount of \$125,941.10 representing a second reimbursement for the Herff Road Project.

(The following agenda item #15 was addressed out of sequence)

15. The County Sheriff gave special recognition to the following individuals in his department for performance in 2013: Clint Madsen (Certificate of Merit from the City of Boerne Police Department), Tara Cantu (Sheriff's Office Civilian Employee of the Year), James Lyssy (Sheriff's Office Deputy of the Year), and Francisca Scarbro (Sheriff's Office Detention Officer of the Year).

2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for February 10, 2014.

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

3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Monthly Reports for January 2014 (on file).

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 claims as submitted (on file).

Motion was made by Judge Lux, seconded by Commissioner Rusch, 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 December 2013 (Fiscal Year 2014) Cash Balances as submitted (attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, 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 1st Quarter Investment Report for fiscal year 2014 (attached).

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

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

8. PUBLIC COMMENTS:

- Judge Lux read a letter of thanks from the Wengler family regarding their appreciation for the level of service of EMS responders, Rob Cook and Gerald Neill.
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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 modifications to pages 28, 42, and 43 of the Kendall County Policy Manual with the changes as discussed (attached).

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

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Alamo Springs Ranch, Block 8, part of Lot 13 and Lot 14 into Lot 14A 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 5-0.

11. 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, Kendall County, Texas, Lots 104B and 104C into Lots 104B-1 and 104C-1 in accordance with Section 209 of the Kendall County Development Rules and Regulations. The purpose of the Amending Plat is to move common lot lines to eliminate a building encroachment.

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Lease/Purchase Agreement and Resolution through Capital City Leasing for the purpose of financing a Motor Grader for the Road & Bridge Department.

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

13. The Road Superintendent notified the Court of the change of hours for the Road & Bridge Department to a four-day work week starting April 20, 2014.

14. The Road Superintendent presented a summary of activities for Road & Bridge for January 2014 (attached).

15. This agenda item was addressed at the beginning of the meeting.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the transfer of the truck from the Precinct 3 Constable's Office back to the Kendall County Sheriff's Office.

Motion was made by Commissioner Chapman, seconded by Commissioner Rusch, 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 approve the lease agreement for the Living Church of God to use the County-owned property on Adler Road on October 14, 2014 from 1:00 p.m. to 4:30 p.m.

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

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Jeff Fincke, Mike Howle, and Sally Peters as the designated people to go to for the development of the information that is to be provided to Kendall County by the i-INFO system.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Racial Profiling Reports that were received (attached).

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

At 10:25 a.m. the Court closed Open Session and 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
- III. 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 County Attorney's Office

At 10:56 a.m. the Court closed Executive Session and resumed Open Session at 10:57 a.m. where the following motion was made:

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the use of the power of eminent domain to acquire FEE SIMPLE TITLE IN AND TO THE FOLLOWING TRACTS OF LAND LOCATED IN KENDALL COUNTY: A 3.360 ACRE (146, 383 SQ. FT.) TRACT OF LAND, MORE OR LESS, OUT OF THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, KENDALL COUNTY, TEXAS, ALSO BEING OUT OF THE REMAINING PORTION OF A 32.609 ACRE TRACT DESCRIBED IN A WARRANTY DEED DATED MARCH 16, 1999, TO JAMES E. ROERIG AND WIFE, DEBORAH A. ROERIG, RECORDED IN VOLUME 607, PAGE 405, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS; SAVE AND EXCEPT ANY OIL, GAS OR MINERALS RIGHTS IN AND TO THE PROPERTY WITHOUT ANY RIGHT OF THE OWNERS OF INGRESS AND EGRESS TO AND FROM THE SURFACE OF SAID PROPERTY TO EXPLORE, DEVELOP, DRILL OR PRODUCE, AND A PERMANENT DRAINAGE EASEMENT IN AND TO THE FOLLOWING TRACT OF LAND LOCATED IN KENDALL COUNTY: A 0.117 OF AN ACRE (5,106 SQ. FT.) PERMANENT DRAINAGE EASEMENT, MORE OR LESS, OUT OF THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, KENDALL COUNTY, TEXAS, ALSO BEING OUT OF THE REMAINING PORTION OF A 32.609 ACRE TRACT DESCRIBED IN A WARRANTY DEED DATED MARCH 16, 1999, TO JAMES E. ROERIG AND WIFE, DEBORAH A. ROERIG, RECORDED IN VOLUME 607, PAGE 405, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS; SAID 0.117 OF AN ACRE (5,106 SQ. FT.) TRACT; SAVE AND EXCEPT ANY OIL, GAS OR MINERALS RIGHTS IN AND TO THE PROPERTY WITHOUT ANY RIGHT OF THE OWNERS OF INGRESS AND EGRESS TO AND FROM THE SURFACE OF SAID PROPERTY TO EXPLORE, DEVELOP, DRILL OR PRODUCE, for the Herff Road Expansion Project, a public road and that the written resolution and order declaring the public necessity and authorizing the acquisition by eminent domain be adopted.

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

At 11:06 a.m. the Court closed Open Session and at 11:07 a.m. resumed Executive Session.

At 12:05 p.m. the Court closed Executive Session and resumed Open Session and being no further business, the meeting was adjourned at 12:06 p.m.

EXAMINED AND APPROVED THIS 10th DAY OF MARCH A.D., 2014.

ATTESTED: *Darlene Heron*
COUNTY CLERK
KENDALL COUNTY, TEXAS

D. L. Lopez
COUNTY JUDGE
KENDALL COUNTY, TEXAS