

**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 14th day of April 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 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 March 24, 2014.

Motion was made by Commissioner Fincke, seconded by Commissioner Chapman, 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 budget adjustments as submitted (attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, 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 bond for Wesley Rexrode for County Surveyor.

Motion was made by Judge Lux, seconded by Commissioner Miertschin, 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 proclaim April as Child Abuse Prevention Month (attached).

Motion was made by Judge Lux, seconded by Commissioner Miertschin, 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 approve the transfer of an EMS Unit (after the box has been removed) to the Facilities Maintenance Department and installation of the flatbed from the old Road & Bridge truck.

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

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8. PUBLIC COMMENTS:  
• Rodney Yates spoke about Upper Cibolo Creek Road.  
• Rich Nichols spoke about the development at Fair Oaks Ranch called The Reserve.

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

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10. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve paying the Road & Bridge employees for time after hours placing barricades to close roads for the Fruhlingsfest Spring Celebration in Comfort.

Motion was made by Judge Lux, seconded by Commissioner Miertschin, 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 changing the job classification of a Road & Bridge employee from Assistant Crew Leader to Crew Leader effective April 20, 2014.

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

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12. Gene Sparks, Veterans Service Officer, notified the Court of the new office hours 8 a.m. to 12:00 p.m. starting April 20, 2014.

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David Hill, representing CR DEVCO 2013, LLC, asked to withdraw the requests numbered (3) and (4) from the agenda item #13 below.

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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 request for relief in Cordillera Ranch Subdivision, Unit 207B, as follows: (1) use a prime coat under 1-½" hot mix asphalt pavement in lieu of a one course surface treatment; (2) use a 6" roll curb on Clubs Drive in lieu of the standard 7" curb; (5) use a 29-foot paved surface for Clubs Drive in lieu of a 36-foot paved surface; and (6) allow utilities to be placed within the right-of-way in lieu of them being in a utility easement.

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 approve the request for relief from platting requirements, and with the previous relief from road frontage requirements granted December 11, 2006. The deed and the plat are ordered to have a note that states there is to be no further division. The proposed division of 63± acres would result in three tracts all greater than 16± acres accessed by an easement approximately 40 feet wide (Located at approximately 400 feet northwest of the intersection of Tiffany and Pleasant Valley Drive North - Dale Lewis).

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, 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 removal of structures at the County-owned property known as Faltin Field located at 8th and Main Streets in Comfort.

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

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At 9:45 a.m. the Court closed Open Session and 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:
  - 3. Encroachments on Upper Cibolo Creek Road

At 10:40 a.m. the Court closed Executive Session and resumed Open Session where the following motion was made:

I-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge, Commissioner Precinct 4, and the County Sheriff to set up a meeting with both sides of the issue on Upper Cibolo Creek Road.

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

The Court took a break and at 10:45 a.m. the Court closed Open Session and resumed Executive Session pursuant to Chapter 551 of the Texas Government Code:

- II. 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
2. Guy James Gray vs. Kendall County
3. Encroachments on Upper Cibolo Creek Road
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
IV. 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 Parks Department

At 12:10 p.m. the Court closed Executive Session and resumed Open Session where the following motion was made:

III-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve hiring a temporary employee for the Parks Department for a period not to exceed eight weeks.

Motion was made by Commissioner Chapman, seconded by Commissioner Rusch, and carried by a vote of 3-2 with Commissioner Fincke and Commissioner Miertschin voting against.

Being no further business, the meeting was adjourned at 12:15 p.m.

EXAMINED AND APPROVED THIS 28th DAY OF April A.D., 2014

ATTESTED: Darlene Herrin COUNTY CLERK KENDALL COUNTY, TEXAS

County Judge Kendall County, Texas