

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 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 Pledge of Allegiance to the United States and Texas flags.

2.        The following Service Award was presented:  
          •        10 years of service: Lissy San Miguel, EMS Department

3.        THE STATE OF TEXAS

COUNTY OF KENDALL        It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for April 14, 2014.

Motion was made by Commissioner Fincke, seconded by Commissioner Chapman, 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 Monthly Reports for March 2014 (on file).

Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, 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 Budget Adjustments as submitted (attached).

Motion was made by Judge Lux, seconded by Commissioner Rusch, 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 claims for purchases, services and vendors as submitted (on file).

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

7.        The County Treasurer presented the March Sales Tax Report.

8. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim May 11-17, 2014 as National Police Week and May 15, 2014 as Peace Officers Memorial Day (attached).  
Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

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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 proclamation for May 2014 to be Older Americans Month (attached).  
Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 5-0.

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

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11. PUBLIC COMMENTS:

- Judge Lux said that the Boerne Fire Department Fish Fry will be May 3rd and Waring Fire Department Fish Fry will be May 10th. Also, on April 27th, the Bergheim General Store was presented with the Texas Treasure Business Award having been in business in Kendall County for over 50 years.
- Mary Himlin spoke during agenda item #13 concerning the Animal Control Order.
- Jan Speaker, Rodney Yates, and Deana Brown spoke during agenda item #1-3 concerning Upper Cibolo Creek Road.

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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 replacing the existing computer for Constable Precinct 4 which runs Microsoft XP as the operating system because certain systems that are necessary for law enforcement duties are not allowing XP users access due to system security concerns.  
Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, and carried by a vote of 5-0.

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13. No action was taken on the proposed changes to the Animal Control Order.

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14. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reinstate the mulch fee of \$10.00 per outgoing bucket load at the County Brush Site effective May 1, 2014.  
Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 entering into a three-year subscription agreement with Thompson Reuters-West to maintain law books and updates in the Kendall County Law Library.

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

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

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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 the new Safety Committee members: Darrel Lux, County Judge; Mike Fincke, Commissioner Precinct 1; Al Auxier, County Sheriff; Bob Eason, Assistant County Attorney; Robert Kinsey, Facilities Manager (chairman); Juanita Espino, Human Resources Director; Jeff Fincke, EMS Director; Gene Sparks, Road & Bridge Operations Manager; Cindy Silva, Assistant Auditor; and Steve Lowe, Parks Manager effective April 28, 2014.

Motion was made by Judge Lux, seconded by Commissioner Fincke, 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 approve the eleven voting precincts as presented effective January 1, 2015 (attached).

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

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At 10:12 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 topic to be discussed is:
  3. Encroachments on Upper Cibolo Creek Road

At 11:20 a.m. the Court closed Executive Session and resumed Open Session where members of the Court made the following comments:

- Commissioner Miertschin suggested that this be an open session item on the agenda for the next session and have all sides of the issue come to Court to make their comments.
- Judge Lux reiterated the Court's opinion that this is a 3rd class county road with a 40-foot easement.


At 11:25 a.m. the Court closed Open Session and resumed 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
  - 2. Guy James Gray vs. Kendall County
  - 3. Encroachments on Upper Cibolo Creek Road
  
- II. 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 12:00 p.m. the Court closed Executive Session and resumed Open Session and being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 12th DAY OF MAY A.D., 2014.

ATTESTED:   
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS