

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 November 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.

Judge Lux announced that on November 8th Jonell Chapman, the mother of Commissioner Chapman, passed away and on November 22nd Kathleen Rusch, the mother of Commissioner Rusch, passed away. He extended the Court's sympathy and prayers to the families.

2.       The following Service Awards were presented:
- 10 years of service: Susan Lux, Tax Assessor-Collector's Office
  - 10 years of service: Emily Weber, Tax Assessor-Collector's Office
  - 15 years of service: Van Forslund, County Attorney's Office

3.       **THE STATE OF TEXAS**

**COUNTY OF KENDALL**       It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for November 10 and 13, 2014.

Motion was made by Judge Lux, 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 Monthly Reports for October 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 claims for purchases, services and vendors as submitted (on file).

Motion was made by Commissioner Miertschin, seconded by Commissioner Chapman, 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 bond for Eugene Serene for the unexpired term of Constable Precinct 3.

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

7. The County Treasurer presented the November 2014 Sales Tax Report.

8. PUBLIC COMMENTS: No one spoke.

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

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 Lots 285 and 286, Town of Comfort, in accordance with Section 209 of the Kendall County Development Rules and Regulations. The purpose of the Amending Plat is to eliminate a building encroachment along a common lot line.

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 grant the request for relief from platting and road frontage requirements in accordance with Sections 101 and 102 of the Kendall County Development Rules and Regulations. The proposed family division would create a 3.0-acre tract out of the ±422-acre parent tract with access over a 43-foot easement for roadway purposes to Hein Road (Dustin Ledlow).

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

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

At 9:27 a.m. the Court closed Open Session, took a break and at 9:37 a.m. 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:
  1. County authority and obligations concerning subdivisions, County roads and bridges
  2. Guy James Gray vs. Kendall County

- 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
  
- 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 Court-at-Law Judge
  - 2. Duties and responsibilities of the County Attorney
  - 3. Duties and responsibilities of the Road & Bridge Department

At 10:57 a.m. the Court closed Executive Session and resumed Open Session where the following was heard:

- 13. Albert E. McCall and Chris Burgess with McCall & Associates-AIA-Architects gave a presentation concerning the expansion and/or modernization of the EMS facility and answered questions from the Court.

At 11:55 a.m. the Court recessed for lunch.

At 1:30 p.m. the Court resumed Open Session where the following was heard:

- 14-1. Lorraine M. Dailey, Kristin Gabriel and Michele Lopez with LMD Architects gave a presentation concerning the expansion and/or modernization of the EMS facility and answered questions from the Court.

At 2:27 p.m. the Court closed Open Session and went back into Executive Session.

At 3:45 p.m. the Court closed Executive Session and resumed Open Session where the following motion was made:

- 14-2. THE STATE OF TEXAS

COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the advisory committee's ranking of LMD Architects as number 1 and McCall & Associates-AIA-Architects as number 2 and to proceed with contract negotiations with LMD Architects for the EMS building project.

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

Being no further business, the meeting was adjourned at 4:00 p.m.

EXAMINED AND APPROVED THIS 8th DAY OF DECEMBER A.D., 2014

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

*D. J. E.*  
 COUNTY JUDGE  
 KENDALL COUNTY, TEXAS