

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 22nd day of December 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 following Service Awards were presented:

- 20 years of service: Neil Quick, Sheriff's Office
- 5 years of service: Christopher Ortiz, Sheriff's Office
- 5 years of service: Linda Vilbig, Sheriff's Office
- 5 years of service: James Lyssy, Sheriff's Office
- 5 years of service: Antonio Zapata, Facilities Maintenance

Judge Lux also presented plaques recognizing the following elected officials whose terms of service will be completed on December 31, 2014:

- Kay Pugh, District Clerk
- Gene Miertschin, Commissioner Pct. 2
- Richard Chapman, Commissioner Pct. 3
- Kenneth Rusch, Commissioner Pct. 4

3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for December 8, 2014.

Motion was made by Judge Lux, 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 November 2014 (on file).

Motion was made by Commissioner Fincke, 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 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.

(The following people spoke during agenda item #6: Kevin Fine, Stephen Schechter, Frank Hill, County Court-at-law Judge Bill Palmer, and County Attorney Don Allee)

6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that Kendall County forward legislation to our State Representative and Senator that will create a District Court with jurisdiction only in Kendall County and create the office of Criminal District Attorney and eliminate the office of County Attorney and also eliminate the County Court-at-Law in Kendall County.

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

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to renew the Memorandum of Understanding with IHS (Indigent Healthcare Solutions) to provide the software for the Indigent Program with an increase of \$12.00 per month.

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

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve applying for the 2015-2016 Rural Community Development Block Grant assistance under the Community Development Fund and approve the Resolution and Interlocal Agreement (Resolution attached).

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

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve applying for a Texas Capital Funds grant for the AJW Architectural Products development in Comfort, Texas, and authorize Grantworks to work with the Boerne Kendall County Economic Development Corporation (BKCEDC) to prepare a Short Form pre-application.

Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, 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 bonds as presented by Darlene Herrin, County Clerk.

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

11. PUBLIC COMMENTS:

- Bob Reinarz thanked Commissioner Court for their service.
- Kevin Fine, Stephen Schechter, Frank Hill, County Court-at-Law Judge Bill Palmer, and County Attorney Don Allee spoke during agenda item #6 pertaining to the District Court.

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

13. The County Treasurer presented the December 2014 Sales Tax Report.

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Balances for September 2014 (attached).

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 4th Quarter Fiscal Year 2014 Investment Report (attached).

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the following office space assignments for 2015: Commissioner Pct. 1 in Room 118, Commissioner Pct. 2 in Room 311, Commissioner Pct. 3 in 1st floor office on the left in the Historic Courthouse, and law enforcement personnel in Room 103.

Motion was made by Judge Lux, seconded by Commissioner Fincke, 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 Kendall County job description and classification #10 for the County Health Inspector.

Motion was made by Judge Lux, seconded by Commissioner Miertschin, 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 allow the County Compliance Inspector to be paid overtime for duties performed on the Herff Road Project with the funds to be paid out of Fund 71 (Herff Road Project).

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

19. 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 Unit 207C in the Cordillera Ranch Subdivision from the 1990 Regulations, Rules, and Specifications.

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

Judge Lux announced that today from 1:00 p.m. to 2:30 p.m. there would be a Reception in honor of Commissioner Miertschin, Commissioner Rusch, Commissioner Chapman, and District Clerk Kay Pugh.

20. 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 division would create a ±10-acre tract and a ±27-acre tract out of a ±37-acre tract with access over a private road (35 Daly Road – Gary & William Coleman).

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

21. 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 requirements in the Kendall County Development Rules and Regulations. The proposed division would create a 7.08-acre tract with 232 feet of frontage. The proposed tract is located approximately 1,100 feet east of the intersection of Delaware Creek Road and FM 1888 (Thomas Ronald Immel).

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

22. 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 division would create a ±272-acre tract, a ±79-acre tract, and a ±97-acre tract out of a 449.1-acre parent tract with access over a 30-foot roadway easement (28 Sattler Road – Shannon Beezer and Ranch Wadsworth).

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

23. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Road History Form for "CW Ranch Rd" a private road in Kendall County, Precinct 3 (attached).
Motion was made by Commissioner Chapman, seconded by Commissioner Rusch, and carried by a vote of 5-0.

24. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Commissioner Mike Fincke to sign all documents relative to the Herff Road Project.
Motion was made by Commissioner Miertschin, seconded by Judge Lux, and carried by a vote of 5-0.

25. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the renewal of the Interlocal Agreement with the City of Boerne to contribute funds for improvements to the Scenic Loop overpass on IH-10.
Motion was made by Judge Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

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

27. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with LMD Architects, PLLC, to provide architectural services to the County pertaining to the EMS facility with changes to the contract as discussed.
Motion was made by Judge Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

(Agenda items #28, #29 and #30 were addressed out of sequence after agenda item #31)

31. Wiginton Hooker Jeffrey, PC Architects, presented their recommendation for improvements to the Law Enforcement Center.

(Agenda item #28 was addressed out of sequence after agenda item #30)

(The following agenda items #29 and #30 were addressed out of sequence)

29. No action was taken concerning a Hotel Occupancy Tax in the unincorporated areas of Kendall County.

30. Commissioner Chapman gave an update on the Tyler Technologies visit to the Justice of the Peace offices.

(The following agenda item #28 was addressed out of sequence)

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize County Judge Darrel Lux to negotiate for a replacement vehicle for Constable Precinct 4.

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

At 11:52 a.m. the Court recessed.

A reception was held from 1:00 p.m. to 2:30 p.m. honoring the following outgoing elected officials: District Clerk Kay Pugh, Commissioner Gene Miertschin, Commissioner Kenneth Rusch, and Commissioner Richard Chapman.

At 2:32 p.m. the Court resumed 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:
 - 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 Human Resources Director
 - 2. Duties and responsibilities of Road & Bridge
 - 3. Duties and responsibilities of the Sheriff's Office

At 4:37 p.m. the Court closed Executive Session and at 4:43 p.m. resumed Open Session and there being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 12th DAY OF JANUARY A.D., 2015.

ATTESTED: 
COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS