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 10th 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 Pledges of Allegiance to the United States and Texas flags.

The Court extended sympathy to the families of two former volunteer fire fighters who passed away last week, Edward F. "Red" Marek and JT "Terry" Russell.

2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve

the Minutes for January 27, 2014.

Motion was made by Commissioner Chapman, seconded by Commissioner Rusch, 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 claims as submitted (on file).

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

- 4. The County Treasurer presented the January Sales Tax Report.
- 5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve

October and November 2013 (Fiscal Year 2014) Cash Summaries (attached).

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

6.	THE	STA	TE	OF	TEX.	\mathbf{AS}
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COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution for application for the General Victim Assistance Grant for the 2014-2015 grant year (attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 allow the distribution of sack lunches, by donation, to Kendall County employees to support the County's Relay for Life Team.

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

8. PUBLIC COMMENTS:

- Commissioner Fincke read a letter from the Castle Lake Volunteer Fire Department thanking Kendall County for their support in obtaining a grant for personal protective equipment.
- Judge Lux read a letter from Mike and Trish Cayce thanking Kendall County EMS for their assistance during an emergency.
- 9. No action was taken on lifting the burn ban. It is still in effect.
- 10. The Court discussed the two County positions that have been vacated by resignations: County Surveyor and Constable Precinct 3. The County Attorney read information from the Local Government Code and the Election Code and informed the Court of the options available for filling those positions. In regard to the Constable position, it was stated that no Constable position would be unfunded.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the payment for Emergency Call Out for Facilities Maintenance.

Motion was made by Judge Lux, seconded by Commissioner Rusch, 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 payment for Emergency Call Out for Road & Bridge.

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve allowing the staging of Pedernales Electric Cooperative (PEC) trucks on County property for half a day on April 29, 2014, after PEC signs a Hold Harmless Agreement.

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

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept a fee simple deed for the extension of Comfort Place and its attendant right-of-way from Comfort Place Apartments, L.P.

Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, 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 County Engineer sending written notification to Verizon, Time Warner, and Guadalupe Valley Telephone Cooperative to relocate their poles and lines in the current right-of-way along Herff Road into the new right-of-way location, at no cost to the County, due to the widening of Herff Road.

Motion was made by Commissioner Miertschin, seconded by Judge Lux, 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 grant relief to the platting requirements and minimum road frontage in accordance with Sections 101 and 102 of the Kendall County Development Rules and Regulations. The proposed division of ±2,100 acres would result in three tracts of ±200, ±211, and ±1,687 acres with access over a 60-foot roadway easement and a 30-foot fee simple strip with the attachment to the deed that the property cannot be further divided without complying with the Kendall County Development Rules and Regulations in effect at the time of the division; and any transfer or conveyance of the property must include the conveyance or transfer of the easement for roadway purposes (Perry T. Donop III). 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 Amending Plat of River Mountain Ranch, Section 2, Lots 459 and 460 into Lot 460A.

Motion was made by Commissioner Miertschin, seconded by Judge Lux, 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 the recurring expense of \$600.00 a month for the dedicated fiber line between the Kendall County Sheriff's Office and the City of Boerne Police Department.

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

- 19. No action was taken on this agenda item pertaining to the Long Range Plan.
- 20. Sheriff Al Auxier presented the 2013 Annual Report for the Kendall County Sheriff's Office (attached).

At 10:10 a.m. the Court closed Open Session, took a Break, and at 10:15 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 Indigent Health Office
 - 2. Duties and responsibilities of the County Auditor
 - 3. Duties and responsibilities of the County Development Manager
 - 4. Duties and responsibilities of the County Attorney's Office

At 12:07 p.m. the Court closed Executive Session and went into Open Session where the following motion was made:

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the issuance of a check in the amount of \$494,145.17 to Frost Bank to obtain a Cashier's Check payable to Kendall County Abstract Company for the purchase of right-of-way and easements for the Herff Road Project from Willis Jay Harpole. Commissioner Miertschin is authorized to appear at closing and sign all required documents thereby binding Kendall County, Texas.

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

Being no further business, the meeting was adjourned at 12:10 p.m.

EXAMINED AND APPROVED THIS	24th	DAY OF	February	A.D., <u>2014</u> .	
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ATTESTED: ACUILLY OF THE COUNTY CLERK

KENDALL COUNTY, TEXAS

COUNTY JUDGE KENDALL COUNTY, TEXAS