

**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 22<sup>nd</sup> day of September 2008.

**Present:**  
**GAYLAN L. SCHROEDER, COUNTY JUDGE**  
**ANN REISSIG, COMMISSIONER, PCT. #1**  
**GENE MIERTSCHIN, COMMISSIONER, PCT. #2**  
**DARREL L. LUX, COMMISSIONER, PCT. #3**  
**KENNETH M. RUSCH, COMMISSIONER, PCT. #4**  
**SALLY W. PETERS, DEPUTY COUNTY CLERK**

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1. The meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.

The Court extended sympathy to Dub Smothers and his family for the loss of their daughter last week.

The Judge read a letter from the President of the Carrollton Fire Fighters Association thanking Kendall County EMS employees, Melody Juarez and Phillip Nuncio, for their positive attitude, professionalism, diligence, and strength while assisting the community of La Marque, Texas, after the devastation of Hurricane Ike.

The Judge added a thank you as well to Jeff Fincke, Kendall County EMS Coordinator, for his assistance to counties impacted by Hurricane Ike.

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2. The following Service Awards were presented:

- 10 years of service: Bryan Meier, Courthouse Maintenance
  - 5 years of service: Staci Decker, Elections Office, and Steven Fleming, Road & Bridge
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3. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for September 8, 2008.

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

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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 August 2008 as submitted by the Auditor's office (on file).

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

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5-1. 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 by the Auditor's office (attached).

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

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6. 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 Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-1 with Commissioner Miertschin opposing #3 on page 1 of the Supplemental and voting against.

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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 Recurring Payments for Fiscal Year 2009 as submitted (attached).

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

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8. PUBLIC COMMENTS: No one spoke.

9. No action was taken on reinstating the burn ban.

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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 the Sheriffs' and Constables' Fees for 2009 with an increase of the Justice Court Service Fees: "All Citations" and "Subpoenas-Civil" from \$50.00 to \$60.00 and "All Writs" and "Order of Sale" from \$100.00 to \$200.00, all other fees remain the same (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 that the Parks Department now report to Rick Tobolka, who will oversee that department under the title, Parks Department Director.

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

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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 the Resolution authorizing an application be submitted for the Local Park Grant Program and authorize the County Judge to sign (attached).

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

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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to deny the request by the Parks Department for purchase of additional grounds maintenance equipment during Fiscal Year 2008.

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

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5-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Emergency Declaration Budget Adjustments as submitted by the Auditor's Office (attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, 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 pull the agenda item regarding the Boerne Soccer League request for fencing their practice field.

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

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15-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement for Animal Control with the City of Boerne and authorize the County Judge to sign.

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

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15-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement between the City of Boerne and Kendall County for Fire Protection Services and authorize the County Judge to sign.

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

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**15-3. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amendment to Kendall County's Service Order with Landata and authorize the County Judge to sign.

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

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**15-4. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement for Regional Indigent Appeals and authorize the County Judge to sign.

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

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**16. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution in support of the Texas Brush Control Program (attached).

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

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**17. Discussion regarding the installation of the Courthouse security system was moved to Executive Session.**

**18. This agenda item was pulled due to the Extension Office receiving a refrigerator for free.**

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**19. The County Engineer presented a summary of activities by Road & Bridge during August 2008.**

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**20. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the construction of the extension of Sunriver and the extension of River Crossing in Cordillera Ranch Subdivision, Unit 106B, and release the Developer's Letter of Credit in the amount of \$652,077.00 (Road History Forms attached).

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

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**21. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and award the bids for road material to the lowest bid with the exception of three items, each listed as "Item 300" and reject those from the bid (attached).

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

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22. The County Development Manager presented a summary of activities during August 2008.

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23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas to approve the Amending Plat for Tapatio Springs Subdivision, Unit 18 (Garden Home), Phase I, combining Lots 25R and 26R into Lot 25R-1 in accordance with paragraph 208.1200.4 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). Water and wastewater service will be provided by Tapatio Springs Service Company.

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

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24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas to approve the Amending Plat for Oakdale Addition in Comfort, Lot 4, a portion of Block 5, and a portion of platted but undeveloped North Street, creating Lot 1, Block 5, in accordance with paragraph 208.1200.4 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006).

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

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25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas to approve the request for relief to minimum road frontage for Ten West Ranches, Lot 18A, Ten West Drive, in accordance with Section 301 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). The proposed division of property will result in a 10± acre tract and a 9.4± acre tract. This approval for relief is contingent on comments received from a future public hearing regarding the Plat Revision of Ten West Ranches, Lot 18 into Lots 18A and 18B.

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

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26-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas to award the construction contract for sewer line improvements in conjunction with the Texas Community Development Block Grant (TXCDBG) Contract No. 727249, Kendall County Water Control and Improvement District (WCID) No. 1 grant project to Hoover Construction Company, which was the low bid.

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

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**26-2. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Hoover Construction Company for the sewer line improvements in Comfort and authorize the County Judge to sign.

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

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**27-1. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to rescind the Resolution dated August 25, 2008, concerning the submission of an application for the 2009-2010 Texas Community Development Block Grant (TXCDBG) for Kendall County Water Control and Improvement District (WCID) No. 1.

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

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**27-2. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the new Resolution concerning the submission of an application for the 2009-2010 Texas Community Development Block Grant (TXCDBG) funding to assist Kendall County Water Control and Improvement District (WCID) No. 1 and authorize the County Judge to sign (attached).

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

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**28.** No action was taken on a deceased pauper due to the family of the decedent handling the disposition.

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Court closed Open Session at 11:00 a.m., took a Break, and went into Executive Session at 11:10 a.m.

Court closed Executive Session at 4:55 p.m. and went into Open Session where the following motions were made:

**III-1. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Human Resources Department to proceed as discussed in Executive Session concerning personnel.

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

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III-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the position of Switchboard Operator, previously reporting to the Development Management office, to now report to the County Judge's office.

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

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I-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the right-of-way conveyance in Woodbridge Subdivision from Los Brios I, Ltd. to Kendall County.


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

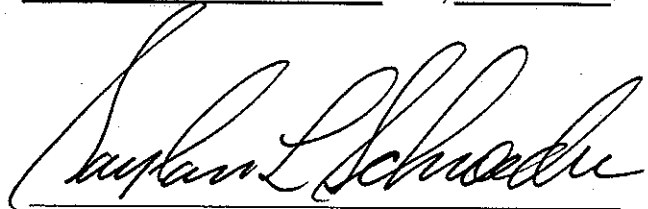
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Being no further business, the meeting was adjourned at 5:00 p.m.

EXAMINED AND APPROVED THIS 14<sup>th</sup> DAY OF OCTOBER A.D., 2008.

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS