

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 September 2009.

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

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. A Service Award was presented to Juanita Espino, Human Resources Manager, for 10 years of service.

3-1. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for September 14, 2009.

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

3-2. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for September 17, 2009.

Motion was made by Commissioner Reissig, seconded by Commissioner Lux, and carried by a vote of 4-0-1 with Commissioner Miertschin abstaining.

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 2009 (on file).

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

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 (attached).

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

5-2. THE STATE OF TEXAS

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

Motion was made by Commissioner 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 as submitted (on file).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 approve the payment of monthly and quarterly recurring bills for the Fiscal Year 2010 (attached).

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

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 2009 Tax Levy Roll total of \$14,883,896.20 as presented by the Tax Assessor/Collector.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 approve the Resolution 09-28-2009A for stimulus grant funds through Criminal Justice Division (CJD) / Alamo Area Council of Governments (AACOG) for a vehicle and a bullet-proof vest for the Sheriff's Office (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 Resolution 09-28-2009B regarding the application with Alamo Area Council of Governments (AACOG) for a Regional Solid Waste grant (attached).

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

The Judge recognized Paul Granberg, Precinct 4 Commissioner for Blanco County, Texas, for his help in answering recycling questions and sharing his county's experience with recycling.

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Proclamation naming October as Domestic Violence Awareness Month in Kendall County (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 approve reappointing Don Edmondson as the Kendall County representative on the Kendall Appraisal District Board of Directors.

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, 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 lease agreement between Kendall County and Alamo Area Council of Governments-Alamo Regional Transit (AACOG-ART).

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

16-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the lease agreement with the Boerne Soccer Club, formerly known as the Boerne Soccer League.

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

16-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with the Hill Country Alternative Dispute Resolution (HCADR).

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

16-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Sanitarian Services Contract with the City of Boerne.

Motion was made by Commissioner Lux, 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 payment for Emergency Call Out for Road & Bridge for September 2009.

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

18. The County Engineer presented a summary of activities for Road & Bridge during August 2009.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Office of Rural Community Affairs (ORCA) Contract Budget Change Form. The budget change is required because competitive bids for five Natural Resources Conservation Services (NCRS) projects were higher than the amount in the original agreement. ORCA will pay the County's 25% share.

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

20-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reject the three bids for emulsified asphalt, each labeled Item #300.

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

20-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the low bid on four Coverstone products, the four Hot Mix products, the four Asphalt-related products, and the one Chemstone product.

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

20-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the low bid for ¾" Base and Grade 2 Base to Reeh Quarry for Comfort delivery.

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

20-4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the bid for ¾" Base and Grade 2 Base to Martin Marietta for Boerne and Kendalia delivery for end dumps.

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

20-5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the bid for ¾" Base and Grade 2 Base to Reeh Quarry for Boerne and Kendalia delivery for belly dumps.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 relief to minimum road frontage in accordance with Section 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). The 16.18-acre tract fronts on Waring Welfare Road with 270 feet of frontage. The proposed division would result in a 6.17-acre tract and a 10.01-acre tract with 210 feet and 60 feet of road frontage respectively (Woerner).

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 approve the name "Bar M Ranch Rd" for the road (ingress-egress easement) at 2332 FM473 (road history attached).

Motion was made by Commissioner Lux, 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 approve the Amending Plat for River Mountain Ranch, Section 3, Lots 207 and 208 into Lot 207A.

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, 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 approve the Final Plat for Cordillera Ranch, Di Lusso, Site 1, for Condominium development.

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

25. The County Development Manager presented a summary of activities for August 2009.

26. The Parks Department Director gave an update on parks:

- Joshua Springs Park & Preserve:
 - Draft contract from Texas Parks & Wildlife is under review
 - Park entrance: layout plan is expected this week, Kendall County Partnership for Parks (KCPP) has offered to help with the stone masonry
 - Update given on renovations and repairs
 - New employee: Brandi (Kneupper) Lorah, Administration Assistant for Park Operations
 - Letter of approval is expected from Texas Parks & Wildlife within the next week pertaining to approval of the 2009-2019 Park Master Plan
 - Reported on various types of pavilions viewed at the Green Living Fair held in Fredericksburg, Texas
 - Commissioner Lux said that the Kendall County Junior Livestock Association received a favorable review of their presentation to Alamo Area Council of Governments (AACOG) and said that Texas Parks & Wildlife is reviewing it now
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At 10:40 a.m. the Court closed Open Session, took a 10-minute Break, and then went into Executive Session:

- I. Pursuant to Section 551.072, to deliberate the purchase, exchange or value of real property
- II. Pursuant to Section 551.071, to seek the advice of the County Attorney and/or attorneys representing the County, concerning the pending and/or threatened litigation 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 as follows:
 1. Kendall County vs. BTex Ranch, L.P. et al

At 12:05 p.m. the Court closed Executive Session and at 12:07 p.m. Open Session resumed where the following motion was made:

I. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize paying \$5,415.00 to Geodetix, Inc. for aerial photography and mapping of Herff Road from Highway 46 to Old San Antonio Road.

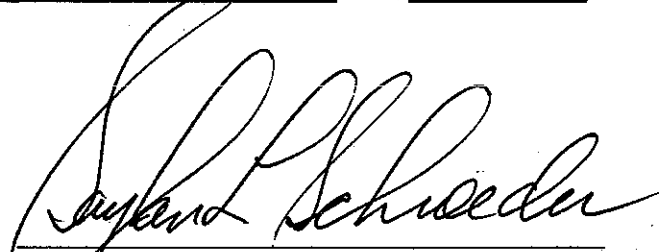
Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 5-0.

Court adjourned at 12:10 p.m.

EXAMINED AND APPROVED THIS 12th DAY OF OCTOBER A.D., 2009.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS