

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 26th day of October 2009.

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

Absent: ANN REISSIG, COMMISSIONER, PCT. #1

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. The following received Service Awards:

- 15 years of service: Deborah Gilbert, Juvenile Probation
- 10 years of service: Luther Vanlandingham, EMS

3. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for October 13, 2009.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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 September 2009 (on file).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

5. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve all of the Claims as submitted (on file).

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

6. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Financial Statements for August 2009 as presented by the County Treasurer (attached).

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

7. **PUBLIC COMMENTS:**

- Jeff Fincke, Emergency Management Coordinator, gave an update on payment collections.
-

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

9. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize a third position in the Fire Marshall's office for law enforcement and fire inspection.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

10. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve appointing the Local Data Advisory Board as set forth in the Data Reporting Improvement Plan provided by Article 60.10C of Section 21001, Chapter 60 of the Code of Criminal Procedures, with the addition of Joanne Bradley, Juvenile Probation, and Grace San Miguel, Adult Probation.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

11. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve closing the following streets in Comfort from noon November 27, 2009 until midnight November 28, 2009 for the Christmas Parade:

- 1) Seventh Street between Highway 27 and Main Street
- 2) High Street between Sixth and Eighth Streets
- 3) The intersection of High and Eighth Streets

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, and carried by a vote of 4-0.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Darrel Lux, Commissioner Precinct 3, Gene Miertschin, Commissioner Precinct 2, Darlene Herrin, County Clerk, and Kay Pugh, District Clerk, to prepare an alternate proposal to Tyler Technologies for court management software.

Motion was made by Judge Schroeder, seconded by Commissioner Rusch, and carried by a vote of 4-0.

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with HTS Voice & Data Systems for Information Technology service for Fiscal Year 2010.

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

14. 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 Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

15. The County Engineer presented a summary of activities for Road & Bridge during September 2009.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the reconstruction of Jeep Street in Friendly Hills Estates Subdivision (road history attached).

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

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept "Langley Rd" as the name for the ingress-egress easement located off of Platten Creek Road in accordance with Kendall County Order #08-10-2009A (road history attached).

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

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat for His Hill Subdivision, Canyon View area, Lots 9, 11, 52 and 53 into Lots 52A and 53A in accordance with Section 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 4-0.

19. The County Development Manager presented a summary of activities for September 2009.

20. The Parks Department Director presented a summary of activities for Kendall County parks.

21. The County Sheriff and the County Engineer presented the amended proposal from Bluescope Construction and Wunderlich Builders on the design, specifications and cost estimate for a pre-engineered metal Butler building and kennels for the Kendall County Animal Control Facility.

At 10:47 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. County authority concerning subdivisions and county roads and bridges, subdivisions, economic development and bidding requirements
 2. Kendall County vs. BTex Ranch, L.P. et al
 3. Montgomery vs. Kendall County
 4. River Bend Road right-of-way
- III. Pursuant to Section 551.074, to discuss personnel issues concerning:
 1. duties and responsibilities of Juvenile Probation
 2. duties and responsibilities of County Judge's office
 3. duties and responsibilities of Justices of the Peace
 4. duties and responsibilities of County Attorney's office
 5. duties, appointment and/or employment of a Geographical Information System (GIS) Specialist

At 4:25 p.m. the Court closed Executive Session and at 4:27 p.m. went into Open Session where the following motions were made:

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to take no action regarding the creation of the position of Geographical Information System (GIS) Specialist and a GIS Department pending further study.

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

23. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to take no action regarding employing a Geographical Information System (GIS) Specialist pending further study. Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, and carried by a vote of 4-0.

24. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to take no action regarding the revised plans and specifications for finishing out the County building located at 221 Fawn Valley. Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

25. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to cancel the request for bids for the remodel of the building located at 221 Fawn Valley and to authorize the County Engineer to request qualifications from architects for the remodel of same. Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 4-0.

Being no further business Court adjourned at 4:34 p.m.

EXAMINED AND APPROVED THIS 9th DAY OF NOVEMBER A.D., 2009.

ATTESTED: Dallene Herrin
COUNTY CLERK
KENDALL COUNTY, TEXAS

Stephen L. Schoedel
COUNTY JUDGE
KENDALL COUNTY, TEXAS