

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 9th day of November 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. The Judge presented a plaque to Tommie Streeter Rhoad, GBRA Economic Development Manager, in recognition and appreciation of her role in helping Kendall County receive significant grant funds for Joshua Springs Park and Preserve.

Jeff Fincke, Emergency Management Coordinator, introduced Jeri Ann Friedrichs who is replacing Martha Barker as the Point of Disbursement (POD) Director for Kendall County. Ms. Friedrichs said that she is a licensed Registered Nurse and has a Bachelor of Arts degree in Social and Behavioral Sciences.

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 26, 2009.

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 all of the Claims as submitted (on file).

Motion was made by Commissioner Lux, 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 4th Quarter Fiscal Year 2009 Investment Report (attached).

Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, 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 accept the Annual Audit as presented by Keith Neffendorf of Neffendorf, Knopp, Horry & Doss (attached).

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

7. The Human Resources Manager advised the Court of the following:

- 210 total employees
 - 1 job opening at Road & Bridge
 - 2 job openings in the Sheriff's Office
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8. PUBLIC COMMENTS: No one spoke.

9. Stephen Zoeller, County Extension Agent, presented:

- a short film of 4-H student, Hans Wisian, interviewing Melissa Jesurun, a former 4-H student, about how her experience in 4-H has been of benefit to her in college
 - a slide show of school children in Comfort participating in activities during Farm Safety Day
- and from the audience he introduced:
- Rachel Holland, President of the Comfort 4-H Club and Kendall County 4-H Council and a District 4-H Council officer, who gave a summary of 4-H programs
 - Garrett Holland, 4-H student, who explained his projects and their importance in his development
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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 request for funds by Debby Hudson, Justice of the Peace, Precinct 3, for a translator for a formal inquest hearing.

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 payment of election officials for the Constitutional Amendment Election held on November 3, 2009.

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

12. A Public Hearing was held regarding the application to cancel all of the subdivision known as Comfort Falls Aviation Estates and to reestablish the property back to acreage tracts (Sandy Smith). The following person spoke:

- Doug Burford, attorney for Sandy Smith, asked that agenda items #13 and #14 be tabled until the next Commissioners' Court meeting
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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table the application to cancel all of the subdivision known as Comfort Falls Aviation Estates until the next Commissioners' Court meeting.

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 table the release of the financial guarantee for the subdivision known as Comfort Falls Aviation Estates until the next Commissioners' Court meeting.

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

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Kendall County Community Plan for 2009-2010 (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 accept the bid from Jennings Anderson Ford for four patrol vehicles for the Sheriff's Office.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 adopt the Proclamation proclaiming November 2009 as Home Care and Hospice Month (attached).

Motion was made by Judge Schroeder, seconded by Commissioner Lux, 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 approve Resolution 11-09-2009A in support of Joint Land Use Study commissioned by the City of San Antonio of Military Affairs concerning compatibility issues between military operations at Camp Bullis and neighboring communities (attached).

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Tyler Technologies for court management software for the offices of the County Clerk and District Clerk.

Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, 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 approve the Community Collaboration Agreement with Hill Country Council on Alcohol and Drug Abuse, Inc. for September 1, 2009 through August 31, 2011.

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

22. A petition was presented to the Court by residents of Pfeiffer Road requesting a Class 3 designation for the road. The following people spoke:

- Becky Eterno said the request is only for the County to maintain the road as a good gravel road for dust reduction; she said the request is not for a bigger or a paved road
 - Sandra Tietze added that road upkeep would be for the safety of the residents and for emergency vehicles
 - Gerald Froemming also said that the road is such that at its end it blends into a driveway and looks like it continues on when it does not
 - Steve Driskill said that where the road washes out makes travel a serious safety issue
 - Tim Lamberson said that in 1978, land was conveyed for the road width to be 25 feet, which is more than is needed for a 3rd class road
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23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to not accept the drop-off of any brush at the County Brush Site effective immediately due to the Texas Commission on Environmental Quality (TCEQ) notification of a dust problem at the site.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 table action regarding the bid from Waste Management of Texas for removing the containers at the Solid Waste Collection on Spanish Pass Road.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 Resolution 11-09-2009B regarding construction of the new County Animal Control Shelter (attached).

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

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the creation of the position of Geographical Information System (GIS) Specialist and a GIS Department.

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

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table action regarding the duties and responsibilities of the position of Geographical Information System (GIS) Specialist until further review by Matrix Consulting Group.

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

28. Jeff Fincke, Emergency Management Coordinator, said that grant funds from the Urban Area Security Initiative (UASI) will be used to set up a generator at the Pico gas station at Johns Road and IH10 which will allow the station to be operational during emergency situations.

29. Jeff Fincke, Emergency Management Coordinator, gave a presentation on a digital radio system as a proposed use of the State Homeland Security Program (SHSP) grant funds.

At 11:50 a.m. the Court closed Open Session, took a Lunch Break, and at 1:30 p.m. 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 attorney(s) 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 topics to be discussed are as follow:
 - 1. County authority concerning subdivisions and county roads and bridges, nuisance conditions and county buildings
 - 2. Montgomery vs. Kendall County
 - 3. River Bend Road right-of-way
 - 4. Kendall County vs. BTex Ranch, L.P. et al

At 3:10 p.m. the Court closed Executive Session and went into Open Session where the following motions were made:

30. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to go out for sealed bids for the property on Highway 27 and Water Street that is 26 feet, plus or minus, by 225 feet, plus or minus, with a minimum bid of \$1,200.00.

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

31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to abandon the old, unused right-of-way on State Highway 473 to the contiguous landowners, Susan Rose Duncan and Cheryl Bryan.

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

Court adjourned at 3:23 p.m.

EXAMINED AND APPROVED THIS 23rd DAY OF NOVEMBER A.D., 2009.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS