

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 14th day of December 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.

Jeff Fincke, Emergency Management Coordinator, announced that the H1N1 vaccine is being made available to the general public on Wednesday, December 16th from 1:00 p.m. to 7:00 p.m. at the Boerne Community Center.

The Judge noted that the Boerne EMS Association Annual Christmas Breakfast benefiting the Russ Brenner EMS Scholarship Fund and the Daily Bread Ministries will be on Christmas morning from 7:30 a.m. to 11:00 a.m. at the Hungry Horse Restaurant.

2. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for November 23, 2009.

Motion was made by Commissioner Lux, 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 for purchases, services, and vendors (on file).

Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, 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 the Financial Statement for Fiscal Year 2009 (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 participate in the Know Your Numbers Wellness event sponsored by Kendall County's Weight Loss Challenge and to approve one day off to the four Kendall County employees who achieve the highest weight loss for a male, the highest weight loss for a female, the highest percentage weight loss for a male, and the highest percentage weight loss for a female.

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

6. **PUBLIC COMMENTS:** Tony VanDerbur, President of Alamo Credit Recovery, gave a brief summary of the collection services that the company offers.

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

8. No action was taken regarding safety procedures in County-owned buildings. It will be addressed at a later date.

9. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve establishing a Rededication Committee for the Historic Courthouse and to set the rededication date to be March 30, 2010.

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

10. A Public Hearing was held regarding the proposed amendments to the Kendall County Development Rules and Regulations. The following people spoke:

- Ken Anderson questioned the County's compliance for the hearing and the completeness of the proposed Rules and Regulations he received from the Development Management Office.
- Bob Imler requested that any action today on the Rules and Regulations be tabled until after more review and that he is in favor of a public workshop for the proposed changes.
- John Kight said that he is in favor of a public workshop.
- Charles Hepler said that he is in favor of a public workshop.
- Jim Schwarz said that he is in favor of a public workshop.
- Judge Schroeder said the Court will set up a public workshop with the date to be announced on the Kendall County website.

11. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Annual Financial Certification Report for Fiscal Year 2009 to the Department of Justice for Federal Asset Forfeiture Funds.

Motion was made by Commissioner 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 authorize a Public Notice to be published in the local newspaper on Friday, December 18, 2009, for a Public Hearing to be held on December 28, 2009 at 9:15 a.m. regarding a four-way stop sign at the intersection of Coveney Trail and Joe Klar Road.

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, 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 the payment for Emergency Call Out for Road & Bridge for November 2009.

Motion was made by Commissioner Lux, 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 release the Developer's Letter of Credit in the amount of \$725,000.00 and accept the Maintenance Bond in the amount of \$29,500.00 for Stone Wall Drive in the Stone Wall Subdivision with the approval of the County Attorney (road history form attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, 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 pay request No. 2 to Esser & Company for the administration of the Texas Department of Rural Affairs (TDRA) grant.

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

16. Phillip Bell and Paul Urban, Kendall County Representatives on the Economic Development Corporation (EDC) Board of Directors, presented a report of activities for 2009. Approximately 180 new jobs will be created through EDC projects:

- Texas Capital Grant for Albany Engineering Corporation
 - Census of the County for Federal Stimulus Funds
 - Red Apple program with Texas Tech University
 - Tax Abatement Policy
 - Creation of the Manufacturers Association for Kendall County
 - Projects still in work: Texas Star Nut Company, Red Apple Plus with Angelo State University, Green Star Corporate Office relocation, bringing in certain franchise restaurants, and Project 500 to create 500,000 feet of retail space
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17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize a Special Called Meeting on January 12, 2010, pertaining to redistricting services available for Kendall County.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 architect firm of Mike DeLeeuw for the build out of the County building located at 221 Fawn Valley subject to contract negotiations with the County Attorney.

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

At 11:30 a.m. the Court closed Open Session, took a 5-minute Break, and then went into Executive Session:

- I. Pursuant to Section 551.074, to deliberate the duties and responsibilities of personnel under the County Judge's Office and departments under the Commissioners' Court
- II. Pursuant to Section 551.072, to deliberate the purchase, exchange or value of real property
- III. 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, and economic development
 2. Montgomery vs. Kendall County
 3. River Bend Road right-of-way
- IV. Pursuant to Section 551.087—deliberations regarding Economic Development Negotiations:
 1. Commercial or financial information received from a business prospect
 2. The offer of a financial or other incentive to a business prospect described by Subdivision (1)

At 12:00 p.m. the Court took a Lunch Break and reconvened at 1:15 p.m.

At 3:30 p.m. the Court closed Executive Session and went into Open Session where Court was adjourned.

EXAMINED AND APPROVED THIS 28th DAY OF DECEMBER A.D., 2009.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS