

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 25th day of January 2010.

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 following received Service Awards:**

- **10 years of service: Phillip Nuncio, EMS**
 - **5 years of service: Ann Reissig, County Commissioner**
 - **5 years of service in the Sheriff's Department: Roger Duncan (Sheriff), Thomas Allison, James Bernarduci, Cindy Caasi, Tara Cantu, Jerry Culver, Laurie Horrell, Matt King, Louis Martinez, Shad Prichard, Dorothy Schindler, Edward Whitehurst**
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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 January 11, 2010.**

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 the Monthly Reports for December 2009 (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 Claims as submitted (on file).**

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 Financial Statement for Month Ending October 31, 2009 (attached).

Motion was made by Commissioner Miertschin, 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 Financial Statement for Month Ending November 30, 2009 (attached).

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

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Investment Report for Quarter Ending December 31, 2009 (attached).

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

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to increase the Flexible Spending Account (FSA) contribution for employees for a maximum of \$3,600.00 and to continue to carry insurance.

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

10. PUBLIC COMMENTS:

- Ken Anderson commented on the upcoming workshops on February 2nd and February 9th in relation to Cow Creek rules.
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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 the Amending Plat of Comfort Outlot 74A and Comfort Outlot 74B into Comfort Outlot 74A-1 and Comfort Outlot 74B-1, Kendall County, Texas, in accordance with Section 208.1200.4 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) (Gaddis Memorial Methodist Church, Comfort Independent School District).

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

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the use of the building at Fawn Valley as a polling location for Precinct 4-3 for the March 2, 2010 Primary Election due to the Convention Center not being available.

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 authorize the purchase of dividing screens from the Special Election Fund.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 authorize the County Judge to sign the Sales Order Agreement from Elections Systems & Software for the purchase of two additional iVotronics Electronic Voting Machines subject to review by the County Attorney's office.

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize payment for Emergency Call Out for Facilities Maintenance.

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 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 5-0.

18-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to move the official rededication date for the Historic Courthouse to Saturday, April 10th.

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

18-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to use the budget line item 401-56091 for costs associated with the rededication of the Historic Courthouse.

Motion was made by Commissioner Reissig, seconded by Commissioner Rusch, 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 authorize the County Attorney to send a letter to the State Comptroller requesting a reversal of their opinion levying the taxes for the Comal County Emergency Services District and the Comal County library that are on the Guadalupe Valley Telecommunication Cooperative (GVTC) bills of Kendall County customers.

Motion was made by Commissioner Miertschin, 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 table action regarding the Employee Benefits Report as prepared by the Matrix Consulting Group.

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 approve the final report from the Matrix Consulting Group for Employee Compensation and Classification (attached).

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 approve the valuation comparison report for all Kendall County facilities except the "Ranch House" valuation which will be determined at a later date.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 table action regarding the safety procedures to be followed in County-owned public buildings.

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

23. The Emergency Management Coordinator presented the End of Year Report for Emergency Services in Kendall County (attached).

24. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, pending final delivery, to declare the 2002 and 2005 ambulances as surplus, authorize the disposal by online auction, and authorize publication of notice of sale.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 authorize the use of the unused EMS radio for the Sisterdale Volunteer Fire Department.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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26. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Procedures for Conduct and authorize publication of the Procedures for Conduct to be used at the February 2, 2010 and February 9, 2010 meetings and proceed with the posting thereof (Memorandum attached).
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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27. The County Engineer presented a summary of activities for Road & Bridge during December 2009 (attached).
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28. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief by Diamond K Ranch Subdivision to allow an 18-foot travel way and 1-foot shoulders for a 20-foot paved width for a privately maintained subdivision with minimum lot size of 25 acres and with an overall density not to be less than 50 acres and with no through-traffic.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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29. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief for minimum road frontage for a division of property that results in a 12-acre tract out of a 164-acre tract that is for mortgage purposes (Donald Piper).

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

30. The County Development Manager presented a summary of activities for December 2009.

31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with BWM Group Professional Services to fulfill the Texas Parks & Wildlife Outdoor recreation grant requirement for Joshua Springs Park and Preserve.

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


32. The Parks Department Director presented a summary of activities for December 2009.

At 12:00 p.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 topics to be discussed are as follow:
 1. County authority concerning subdivisions and county roads and bridges, nuisances, and economic development
 2. Kenneth W. Anderson v. Kendall County
 3. Montgomery v. Kendall County
 4. Contractual obligations

At 4:10 p.m. the Court closed Executive Session, went into Open Session and being no further business adjourned.

ATTESTED:


 COUNTY CLERK
 KENDALL COUNTY, TEXAS


 COUNTY JUDGE
 KENDALL COUNTY, TEXAS