

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 April 2010.

Present: **GAYLAN L. SCHROEDER, COUNTY JUDGE**
 ANN REISSIG, COMMISSIONER, PCT. #1
 DARREL L. LUX, COMMISSIONER, PCT. #3
 KENNETH M. RUSCH, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK

Absent: **GENE MIERTSCHIN, COMMISSIONER, PCT. #2**

1. The meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.

The Judge announced that Kendall County had received a Safety Award for its ongoing record of safety in the workplace for 2009.

He also said that the Texas Department of State Health Services had notified the County that it would be receiving \$16,100.91 which is the 2010 payment for the tobacco settlement.
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2. The following received a Service Award:
 - 10 years of service: Kathryn (Kate) Engleman, Tax Assessor's Office
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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 April 12, 2010.

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 4-0.
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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 March 2010 as submitted (on file).

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

7. PUBLIC COMMENTS:

- Phillip Bell talked about new programs offered by the Texas AgriLife Extension Service Office, specifically, a Master Gardener program and a neighborhood/community garden program and encouraged those interested to contact the AgriLife Extension Service Office on Saunders Street.
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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 proceed with the generators and authorize an 80 kW to be purchased from SafeLane Supply for both the Boerne and the Comfort EMS locations.

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 table this agenda item which pertains to letters to residents about address changes.

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 declare the list submitted by the EMS office as salvage and surplus items (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 declare the four used AEP tanks and one waste oil tank as salvage property and the attached list as surplus property at Road & Bridge.

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

13. Grace San Miguel, Kendall County Community Supervision and Corrections Department Director, gave an update for the Adult Probation department saying that they are in need of additional space including offices suitable for privacy during conferences.

14. Bronson Lerma with Texas Greenergy Corporation proposed a solution to brush handling and management by way of Greenergy operating the County brush site.

15. 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.

16. The County Engineer presented a summary of activities for Road & Bridge during March 2010 (attached).

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to a canopy over the entrance to the County Animal Control Shelter.

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

18-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to an Excessive Force Policy.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Fair Housing Month Proclamation (attached).

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 04-26-2010B pertaining to the Citizens Complaint Procedure (attached).

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

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the policy for publishing notice for Nondiscrimination.

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

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to announce April as Fair Housing Month in Kendall County.

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

23. The County Development Manager presented a summary of activities for March 2010.

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Champee Springs Ranches Subdivision, Tracts 3A-3A, 3A-3B, 3A-3C, 3A-3F, 3A-3G into Tracts 3A-3A-a, 3A-3B-a, 3A-3C-a, 3A-3F-a, 3A-3G-a 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 Reissig, seconded by Commissioner Lux, 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 name the ingress/egress easement located at 1519 FM 473, "Kasten Rd" in accordance with Kendall County Order 08-10-2009A. This road serves Daniel Glenney, Sr., Cynthia Cook, Geraldine Shaw Walter, and David Glenney.

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

At 11:00 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 attorney(s) representing the County, concerning 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, county roads and bridges, nuisances, economic development, and dangerous wild animals
 2. Kenneth W. Anderson vs. Kendall County
 3. Montgomery vs. Kendall County
 4. EEOC complaint — Angela San Miguel

III. Pursuant to Section 551.074 to discuss duties and responsibilities of personnel at the Parks Department

At 12:30 p.m. the Court closed Executive Session and took a Break.

At 2:00 p.m. the Court went into Open Session where the following motions were made:

26-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the publication of a Public Notice regarding the exchange of real property, specifically Altgelt Field in Comfort to Comfort Independent School District (CISD) and WCID#1 for Faltin Field in Comfort.

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

26-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the publication of a Public Notice to solicit bids for the purchase of real property, 26 feet by 225 feet, which is an excess right-of-way on First and Water Street in Comfort.

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

18-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable this agenda item which pertains to an Excessive Force Policy.

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

18-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 04-26-2010A pertaining to the Excessive Force Policy (attached).

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

Being no further business, the meeting was adjourned at 2:10 p.m.

EXAMINED AND APPROVED THIS 10th DAY OF MAY A.D., 2010

ATTESTED: Darlene Herrin
COUNTY CLERK
KENDALL COUNTY, TEXAS

County Judge
KENDALL COUNTY, TEXAS