

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 24<sup>th</sup> day of May 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

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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 said that as County Chairman of the 2010 Census project, he set a goal of 75% for the percentage of returned census forms and that the percentage of forms returned so far is 74%.

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2.      The following received a Service Award:  
          •      5 years of service: Donna Sharp, County Attorney'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 May 10, 2010.  
  
Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

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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 April 2010 (on file).  
  
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.

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5-1.   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 Rusch, and carried by a vote of 5-0.

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5-2.   THE STATE OF TEXAS  
  
COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustment Emergency Declarations as submitted (attached).  
  
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

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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 5-0.

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7. PUBLIC COMMENTS:

- Lewis and Ann Kaiser asked the Court to create a policy to guide County crews when cutting down trees in the County rights-of-way. They expressed concern for some mature trees recently cut down along a fence row that they said were not an impediment but merely on the wrong side of the fence.
  - Dub Smothers said that there will be a Groundwater Management Area meeting on June 3<sup>rd</sup> and encouraged the Court to attend.
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8. No action was taken on reinstating the burn ban. It is still off.

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9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to not adopt an Order regulating the sale of certain fireworks in the unincorporated areas of Kendall County.

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

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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable the agenda item #10 from the April 26, 2010 meeting pertaining to letters to residents regarding address changes.

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

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11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize proceeding with the steps necessary to get consecutive address numbers on Highway 46 East for EMS and health and safety purposes.

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

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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize out-of-state travel for Mike Howle to attend the ESRI International User Conference in San Diego, California, and the expense to be paid out of line item 18-541-54270.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-1 with Commissioner Miertschin voting against.

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13. A Public Hearing was held regarding the proposed Plat Revision of Alamo Springs Ranch Subdivision, Block 9, Lot 26. No one spoke.

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14. 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 the proposed Plat Revision of Alamo Springs Ranch Subdivision, Block 9, Lot 26 in accordance with Section 301 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 5-0.

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15. 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 on Saturday, July 3, 2010 from 9:30 a.m. to 12:30 p.m. for the 4<sup>th</sup> of July parade: Idlewilde Boulevard, Daniel Drive, Edgewood Drive, Highway 87, Highway 27, Lindner Avenue, High Street, and Fifth Street.

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

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16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable the agenda item #17 from the May 10, 2010 meeting pertaining to the tax abatement for Albany Engineered Composites, Inc.

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

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17. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 05-24-2010 pertaining to granting a tax abatement to Albany Engineered Composites, Inc. for Tax Year 2010 (attached).  
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.
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18. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to not enter into a contract with Bronson Lerma for operation of the brush site for Kendall County.  
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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19. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the County Tax Assessor-Collector to open a substation in Comfort at 105 Amber Drive and to formally request the Texas Department of Motor Vehicles to supply an RTS workstation and all necessary equipment.  
Motion was made by Commissioner Rusch, seconded by Commissioner Lux, and carried by a vote of 5-0.
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20. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award a construction contract to RTM Construction in the amount of \$159,326.00 for sewer line replacement at the Kendall County WCID No. 1 wastewater plant in conjunction with Texas Community Development Block Grant Contract No. 729379.  
Motion was made by Commissioner Rusch, seconded by Commissioner Lux, and carried by a vote of 5-0.
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21. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award a construction contract to Kneese Construction in the amount of \$18,450.00 for the installation of a concrete slab at the Kendall County WCID No. 1 wastewater plant in conjunction with Texas Community Development Block Grant Contract No. 729379.  
Motion was made by Commissioner Rusch, seconded by Commissioner Lux, and carried by a vote of 5-0.
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22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award a contract to Environmental Machines & Services in the amount of \$25,000.00 for the purchase of a conveyor belt press for the Kendall County WCID No. 1 wastewater plant in conjunction with Texas Community Development Block Grant Contract No. 729379 and pending TDRA approval of a request to use noncompetitive procurement.

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

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23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Bandera Electric to proceed with electrical improvements to benefit Albany Engineered Composites, Inc. (attached).

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

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24. 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.

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25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Fiscal Year 2010 Seal Coat bid and award the contract to Big Tex Paving Company for both one and two course seal coat work.

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

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

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27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable the agenda item #17 from the April 26, 2010 meeting pertaining 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 5-0.

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28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the construction of a canopy over the entrance to the County Animal Control Shelter and award the construction contract to Mike DeLeeuw and Commonwealth Construction.

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 approve the Amending Plat of Cordillera Ranch Subdivision, Unit 204, Block Z, Lots 1036 and 1037 for the purpose of naming a driveway, "Mayacama Pt" (road history forms attached).

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

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30. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable the agenda item #20 from the April 12, 2010 meeting pertaining to the request for relief to maximum density for the proposed division of property at 119 North Creek Loop which would result in two tracts: 3.153 acres and 4.423 acres (Willis Moore).

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

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31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief to maximum density in accordance with Section 301 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) for the proposed division of property at 119 North Creek Loop which will result in two tracts: 3.153 acres and 4.423 acres (Willis Moore) conditional on conveyance to family within the 3<sup>rd</sup> degree.

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

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32. The County Development Manager presented a summary of activities for April 2010.

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33. The Parks Department Director presented a summary of activities for April 2010.

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34. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County to enter into contract negotiations with McMurrey Builders for the restroom remodel project at Joshua Springs Park and Preserve Conference Center.

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

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At 11:15 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 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, dangerous animals and the Professional Services Procurement Act
  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 the duties and responsibilities of personnel in the County Clerk's Office

At 4:10 p.m. the Court closed Executive Session and went into Open Session.

Commissioner Rusch was absent.

The following motions were made:

III.1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Clerk to fill the position of Deputy County Clerk I.

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

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II.3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney's Office to proceed as discussed in Executive Session pertaining to Montgomery vs. Kendall County.

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

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35. No action was taken regarding consulting services for the County radio system.

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Being no further business, the meeting was adjourned at 4:15 p.m.

EXAMINED AND APPROVED THIS 14<sup>th</sup> DAY OF JUNE A.D., 2010.

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS