

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 June 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 STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for May 24, 2010 with the correction of a misspelled last name.

Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, 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 Budget Adjustments as submitted (attached).

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

4-1. 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 Reissig, and carried by a vote of 5-0.

5-1. 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 March 31, 2010 (attached).

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

5-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Financial Report for Month Ending March 31, 2010 (attached).

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

5-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Financial Report for Month Ending April 30, 2010 (attached).

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 attached Budget Calendar.

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

7. PUBLIC COMMENTS:

- Dub Smothers thanked the Court for attending the June 3rd Groundwater Management Area Meeting.
-

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

9-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to revoke the construction contract awarded to Kneese Construction 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.

9-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the construction contract to Allen Keller Company in the amount of \$24,280.00 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.

10. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amended lease agreement between Kendall County and the Kendall County Women's Shelter. Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

11-1. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Resolution #06-14-2010A to transfer the Altgelt Field property to Comfort Independent School District (attached). Motion was made by Commissioner Rusch, seconded by Commissioner Lux, and carried by a vote of 5-0.

11-2. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Resolution #06-14-2010B to transfer property to Kendall County WCID #1 (attached). Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 approve the meeting of the Local Data Advisory Board to be held on June 23, 2010 at 3:00 p.m. in the 3rd floor Assembly Room. Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 clarify a previous Court Order concerning Nottingham Road, specifically that Nottingham Road extends from Upper Cibolo Road all the way to Lewis Rosen's gate, and to file the proper paperwork. 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 accept the bid from Kurt Solis for the abandoned County-owned property in Comfort and to authorize the Judge to sign a deed upon receipt of funds. Motion was made by Commissioner Rusch, 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 authorize the filing of an amicus curiae brief in the case pending in the U.S. District Court for the Southern District of Texas, Corpus Christi Division, styled "The Aransas Project vs. Bryan Shaw, et al."
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 approve the creation of a County phone book.
Motion was made by Commissioner Miertschin, seconded by Judge Schroeder, 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. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with CarteGraph for software modification to reduce required data entry time for Road & Bridge in the amount of \$300.00.
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.
-
- 19-1. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reject the bid from Regency Commercial Construction in the amount of \$343,455.00 for the buildout of the former Dollar General Store due to noncompliance of bid specifications.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0-1 with Commissioner Miertschin abstaining.
-

19-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the contract to ABECO Contracting Inc. in the amount of \$386,000.00 with a construction period of 120 days for the buildout of the former Dollar General Store.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 Plat Revision of Alamo Springs Ranch, Block 9, Lot 26 into Lots 26A and 26B in accordance with paragraph 208.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). Relief for minimum road frontage was granted by Commissioners' Court on May 24, 2010.

Motion was made by Commissioner Rusch, 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 grant the request for relief to minimum road frontage in accordance with Section 102.1000.9, Division Required by Lender Provision. Proposed access to property is through a 20-foot ingress/egress easement while 60-foot fee simple access is required by Kendall County Development Rules and Regulations. Access to property is located at 115 FM 473 (Henry J. Engle).

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

22-1. 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 205, Block Z, Lot 1000, for the purpose of changing a street name from Telephone Hill to Summit Pass (road history form attached).

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

22-2. 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 205, Block Z, Lot 1041, for the purpose of naming a driveway, "Summit Pt" (road history form attached).

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

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Estancia at Thunder Valley, Phase II, Lots 23, 24 and 25 into Lots 24A and 25A 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 Miertschin, and carried by a vote of 5-0.

At 10:25 a.m. the Court closed Open Session, took a 5-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 and county roads and bridges, nuisance conditions and economic development
 - 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 deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 - 1. Parks Department personnel
 - 2. EMS personnel
 - 3. Road & Bridge personnel

At 3:15 p.m. the Court closed Executive Session and went into Open Session where the following motion was made:

4-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the posting of the approved Claims for Purchases, Services and Vendors on the County website.

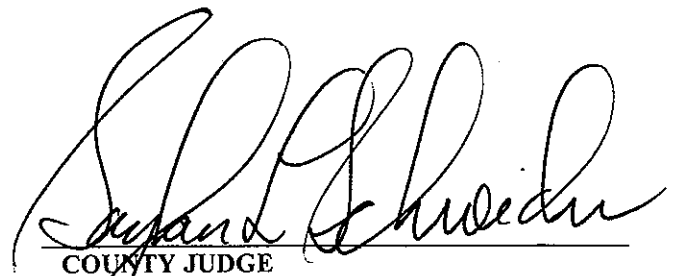
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

Being no further business, the meeting was adjourned at 3:20 p.m.

EXAMINED AND APPROVED THIS 28th DAY OF JUNE A.D., 2010.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS