

**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 13<sup>th</sup> day of September 2010.

**Present:**            **GAYLAN L. SCHROEDER, COUNTY JUDGE**  
                         **GENE MIERTSCHIN, COMMISSIONER, PCT. #2**  
                         **DARREL L. LUX, COMMISSIONER, PCT. #3**  
                         **KENNETH M. RUSCH, COMMISSIONER, PCT. #4**  
                         **SALLY W. PETERS, DEPUTY COUNTY CLERK**

**Absent:**             **ANN REISSIG, COMMISSIONER, PCT. #1**

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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 Court extended sympathy to the families of Dick Magers, Butch Kohler, Joe Montgomery, Peter Bond and Cooper Bond.**

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2.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for August 23, 2010.**

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

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- 3-1.   **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments (attached).**

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

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- 3-2.   **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments which require Emergency Declaration (attached).**

**Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 authorize the reduction of the retained fee for the construction of the Animal Control Shelter from 10% to 5% and pay the invoice showing 5% retained.**

**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 Claims as submitted (on file).

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 Financial Report for Month Ending July 31, 2010 (attached).

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

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7. PUBLIC COMMENTS:

- Mike Schultz, Chair-elect of the Chamber of Commerce, introduced Dana Carter, Vice President of Membership, and David Brown, Government Affairs Council. He also commented on the survey created by the Chamber consisting of the top initiatives received from the City of Boerne, Kendall County, and the Economic Development Corporation.
  - Mike De Leeuw reported on the construction status of the County Building at 221 Fawn Valley and the roof at the Kendall County Animal Shelter.
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8. This agenda item pertaining to the appointment of the Kendall County Investment Officer was withdrawn by the County Treasurer.

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9. The Elections Administrator briefed the Court on the possibility of a Special Election if Texas State Senator Jeff Wentworth resigns his position saying that it will depend on the timing of the resignation.

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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to leave the burn ban off.

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

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11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request by the Comfort Volunteer Fire Department to use funds in line item 10-546-56150 (Allocations Capital Expenses) for items other than originally budgeted.

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

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12. A Public Hearing was held regarding the proposed plat revision of Kohls Ranch, Unit 3, Lot 3. No one spoke.

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13. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision of Kohls Ranch, Unit 3, Lot 3 into Lots 3A and 3B (Billy G. Stockton, landowner).  
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.
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14. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim September 15 through October 15, 2010 as Kendall County Hispanic Heritage Month (Proclamation attached).  
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.
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15. Andra Wisian gave an update on the grant through Texas Parks & Wildlife for the Kendall County Agriculture and Equestrian Center.
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16. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to leave the Sheriffs and Constables Fees for 2011 the same as in 2010.  
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 4-0.
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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 the 2011 Holiday Schedule as submitted with 12 holidays (attached).  
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.
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18. **THE STATE OF TEXAS**  
**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2011 Commissioners Court Calendar with one date change: the meeting scheduled for Monday, December 26 to be instead on Tuesday, December 27 (attached).  
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 4-0.
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19. Commissioner Miertschin presented a cost comparison of the standard County computer. He discussed what the County paid versus what is being advertised by other sources and he said that the result of his findings is that the County has paid the lowest cost.
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20-1. 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 landscaping for the Historic Courthouse.

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

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21-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable the agenda item #15 from the July 12, 2010 meeting pertaining to the Interlocal Agreement with the City of Boerne for Public Safety and Utilities Communications Services.

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

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21-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement with the City of Boerne for Public Safety and Utilities Communications Services.

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

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22-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize moving the Elections Department, Justice of the Peace, Precinct 3, and Constable, Precinct 3 to the County Facility located at 221 Fawn Valley upon completion of construction.

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

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22-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to relocate the Mental Health and Mental Retardation Office to the County Facility located at 221 Fawn Valley upon completion of construction.

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

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23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the payment for Emergency Call Out for Road & Bridge.

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

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24. Gene Sparks, Road & Bridge Operations Manager, said that the Road & Bridge Department would return to an eight-hour, five-day work week on September 27, 2010.

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25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to set a Public Hearing for October 12, 2010 at 9:15 a.m. pertaining to the request of William E. Hooks, Jr. to cancel his three lots out of the Stone Springs Subdivision and to authorize publication of public notice.

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

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26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the time extension of one year from today for submission of documents to administratively complete the Final Plat for Diamond K Subdivision.

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

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27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 09-13-2010 pertaining to the Flood Damage Prevention Ordinance (attached).

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

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At 10:45 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:
  1. County authority concerning subdivisions and county roads and bridges, and nuisance conditions
  2. Threatened litigation re: Eric Ingram
  3. EEOC Complaint—Angela San Miguel
- III. Pursuant to Section 551.074 to deliberate the duties and responsibilities of personnel in:
  1. EMS
  2. Sheriff's Office
  3. Road & Bridge
  4. County Attorney's Office
- IV. Pursuant to Section 551.076 to discuss the deployment, or specific occasions for implementation, of security personnel or devices

At 3:50 p.m. the Court closed Executive Session and went into Open Session where the following motions were made:

**20-2. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to rescind the County Order from August 23, 2010, agenda item #15, pertaining to proceeding with landscaping the Historic Courthouse grounds as may be amended by the Texas Historical Commission and to be funded out of the current Historic Courthouse Restoration Fund.

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

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**20-3. 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 landscaping for the Historic Courthouse.

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

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**20-4. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to submit to the Texas Historical Commission an Antiquities Permit Application for Historic Buildings and Structures to sod the grounds and install a sprinkling system for the Historic Courthouse.

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

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**III-2. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Sheriff's Office to hire an Administrative Assistant and two Kennel Technicians for the Animal Control Shelter within the Grade 5 salary range.

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

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**III-3. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Road & Bridge to hire a temporary employee.

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

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28-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize HTS to install a telephone and data system at the County Facility located at 221 Fawn Valley .

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

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28-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Protection One to install a security system at the County Facility located at 221 Fawn Valley as presented.

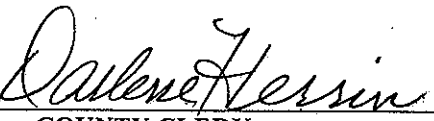
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

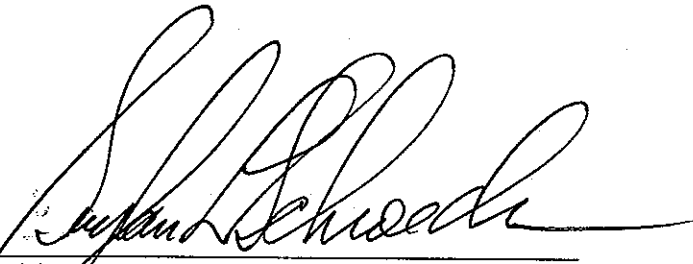
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Being no further business, the meeting was adjourned at 4:28 p.m.

EXAMINED AND APPROVED THIS 27<sup>th</sup> DAY OF SEPTEMBER A.D., 2010

ATTESTED:

  
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COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
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COUNTY JUDGE  
KENDALL COUNTY, TEXAS