

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 25<sup>th</sup> day of October 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.

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2. Each of the following received a Service Award:

- 5 years of service: Barbara Christman, Indigent/Housing Office  
Harriet Siedensticker, County Clerk'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 October 12, 2010.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 September 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. THE STATE OF TEXAS

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Claims as presented (on file).

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 Financial Report for Month Ending August 30, 2010 as submitted (attached).

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

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7. **PUBLIC COMMENTS:**

- Mike De Leeuw gave an update on the construction status of the County building at 221 Fawn Valley which he said is estimated to be completed by the end of this November. He noted that the water line into the building is 3/4" and not 1" which was not expected but should be adequate.
  - Jeff Fincke, Emergency Management Coordinator, reported on an email he received from David Flores, Telecommunications Manager of the Boerne Police Department (BPD), requesting the County move a satellite to the new BPD Communications Center. This is for the satellite radio that is a part of the emergency management network.
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8. The Human Resources Manager reported on four job openings in the County, specifically, two in the Parks Department: Administrative Assistant and Maintenance Technician, and two in the Sheriff's Office: Patrol Officer and Jail Detention Officer.

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

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10. A Public Hearing was held regarding the proposed Plat Revision of Deer Lake Subdivision, Lot 7A into Lots 7B and 7C. The following people spoke:

- David Trapp said that he is opposed to the Plat Revision as it may adversely affect his property values because the change is not in line with the characteristics of the other properties in the subdivision. He also said that there is no guarantee that in the future the lot will be sold only to a Mayo family member.
  - John Kight asked if Cow Creek Groundwater Conservation District (CCGCD) had been contacted for permission to drill a well on a lot that would be less than six acres.
  - Pat Mayo said that Lot 7A was originally two lots that he had combined but that now he wants to divide it for family purposes. The division line was drawn considering existing structures and drainage concerns and keeping the integrity of the deed restrictions. He said that per Micah Voulgaris, CCGCD rules allow wells on lots in subdivisions where the average is six or more acres.
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11. A Public Hearing was held regarding the proposed amendments to the Kendall County Development Rules and Regulations. The following people spoke:

- Darrel McMaster said that he thinks the minimum requirements for rainwater collection should be 2,700 square feet of roof and 20,000 gallons of storage per house.
  - John Kight said that he thinks the minimum requirements for rainwater collection should be 3,500 square feet of roof and 20,000 gallons of storage per house. He also suggested that an emergency supplemental supply be added for fire protection.
  - Rick Tobolka noted that these requirements would not be in effect for existing homes, but only for new development using rainwater catchment as the primary source of potable water.
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12. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the renewal contract with HTS Voice & Data Systems for Information Technology service subject to approval by the County Attorney's Office.

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

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13-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Kendall County Community Plan for 2010-2012 with the corrections made to the contacts list (attached).

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

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13-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 10-25-10 pertaining to the Kendall County Criminal Justice Community Plan (attached).

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

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

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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage for Deer Lake Subdivision, Lot 7B, in accordance with Section 301 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). The proposed frontage is 173.75 feet with the minimum frontage allowed is 250 feet (Patrick and Diana Mayo).

Motion was made by Commissioner Reissig, 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 grant relief to the Cancellation of Subdivision Fee of \$3,000.00 plus \$100.00 per lot as set forth in the Development Rules and Regulations dated August 29, 2005 (amended September 2006) pertaining to the request for cancellation of Lots 101, 102, and 103 in Stone Springs Estates Subdivision; owner will pay a cancellation fee of \$250.00 plus \$100.00 per lot for a total of \$550.00 (William E. Hooks).

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 table this agenda item, which pertains to the cancellation of Lots 101, 102, and 103 out of Stone Springs Estates Subdivision, until the November 8, 2010 meeting (William E. and Rebecca Gaines Hooks).

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 approve the Amending Plat of River Mountain Ranch Subdivision, Section Three, Lots 347 and 348 into Lot 347A (William M. and Deborah C. Center).

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

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19. The County Development Manager presented a summary of activities for September 2010.

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20. The Parks Department Director presented a summary of activities for September 2010. At the request of Kendall County Partnership for Parks, a groundbreaking at Kreutzberg Canyon Natural Area has been scheduled for December 13<sup>th</sup> at 2:00 p.m.

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At 10:43 a.m. the Court closed Open Session, took a Break, and then at 10:55 a.m. 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:
  1. County authority concerning subdivisions, county roads and bridges
  2. EEOC Complaint—Angela San Miguel
  3. Lucas Lancaster vs. Kendall County, et al
  4. Michael E. Montgomery vs. Kendall County
  5. Texas Workforce Commission Complaint—David Cheney
- III. Pursuant to Section 551.0785 to deliberate matters involving medical records of an individual applicant for benefits for Road & Bridge personnel
- IV. Pursuant to Section 551.074 to deliberate the duties and responsibilities of personnel in the following:
  1. Constable Precinct 3
  2. Road & Bridge
  3. Facilities Manager
  4. LEC (Law Enforcement Center)
  5. Parks
- V. Pursuant to Section 551.076 to discuss the deployment, or specific occasions for implementation, of security personnel or devices

At 12:15 p.m. the Court closed Executive Session, recessed for lunch and at 1:30 p.m. went into Open Session.

25. The Herff Road project alignment, extent of project, and financing alternatives was presented. The following people spoke:
- Duane Westerman presented two funding options the County can use to finance the construction of the project: Certificates of Obligation or a Bond Election.
  - Lillian Zoeller asked why Herff Road was to be extended instead of building the bypass.
  - Ron Bowman said that a financial consideration in moving forward now with the project is lower and more competitive construction prices. He also said that the project would improve public safety by allowing emergency vehicles alternate routes for quicker response.
  - Steve Driskill said that he supports the project because the economy may be down but traffic congestion is still up.
  - John Kight said that a Bond Election would delay starting the project and Certificates of Obligation would allow the project to start sooner.
  - Mike Schultz said that he is in favor of the project and funding it through Certificates of Obligation.

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At 2:20 p.m. the Court closed Open Session and went into Executive Session.

At 4:05 p.m. the Court closed Executive Session and went into Open Session where the following motions were made:

II-4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the final payment of \$6,750.00 to Michael E. Montgomery as part of the settlement of Michael E. Montgomery vs. Kendall County.

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

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II-5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Kendall County Commissioners Court Grievance Procedures.

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

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V. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Commissioner Miertschin to proceed as discussed in Executive Session pertaining to Security.

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

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21. The Human Resources Manager informed the Court of Joe Dominguez who has separated from the County after eight years of service. He will receive 50% of his sick leave bank which is 68.34 hours.
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22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize a maximum payout of 320 sick leave hours to Collis Bryan Meier who is retiring through Texas County and District Retirement System.

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

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23-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the job description for Facilities Manager as provided today and post same on the County website.

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

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23-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Commissioner Lux and Commissioner Miertschin conducting job interviews for Facilities Manager.

Motion was made by Commissioner Rusch, 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 table this agenda item which pertains to the burial expenses of an indigent person.

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

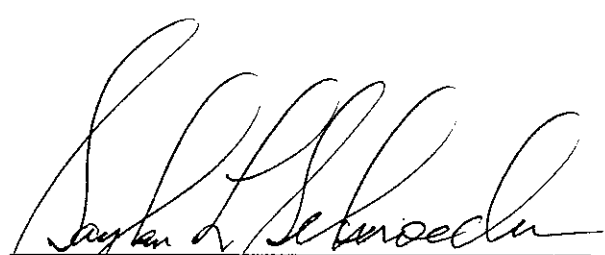
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Being no further business, the meeting was adjourned at 4:15 p.m.

EXAMINED AND APPROVED THIS 8<sup>th</sup> DAY OF NOVEMBER A.D., 2010.

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS