

**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 8<sup>th</sup> day of November 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.

The Judge congratulated the Sheriff's Office for the commendation of excellence and professionalism received from the Texas Commission on Jail Standards who issued a Certificate of Compliance to Kendall County for maintaining a safe, secure, and sanitary jail facility.

The Judge also commented on the groundbreaking ceremony for the Kendall County Women's Shelter which was well attended and he said the highlight of the ceremony was the \$287.00 donation from two seven-year-old children from Fair Oaks Ranch who held a carnival in their front yard to raise funds for the Shelter.

2. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for October 25, 2010.

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 Change Order No. 1 for a deduction amount of \$71.00 for the Animal Control Shelter from Bluescope Construction making the final pay request \$869,459.00.

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

4. **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.

5. **PUBLIC COMMENTS:**

- Jeff Fincke, Emergency Management Coordinator, reported on grant status.
  - Commissioner Lux noted that the fund raiser for the Kendalia Volunteer Fire Department held last weekend was well-attended and everyone's support was appreciated.
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6. No action was taken on reinstating the burn ban. It is still off.

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7. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Resolution 11-08-2010A declaring November 2010 as Official Home Care and Hospice Month (attached).

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

8. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Resolution 11-08-2010B declaring November 2010 as National American Indian Heritage Month (attached).

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

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9. **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 from noon Friday, November 26, 2010 through midnight Saturday, November 27, 2010 for the Christmas Parade:

- 1) Seventh Street between Highway 27 and Main Street
- 2) High Street between Sixth and Eighth Streets
- 3) From the intersection of High and Eighth Streets to just past 806 High Street

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

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10. A Public Hearing was held regarding the Plat Revision of Grandview Acres Subdivision, Lot 1 into Lots 1A and 1B. No one spoke.

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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 Plat Revision of Grandview Acres Subdivision, Lot 1 into Lots 1A and 1B in accordance with Section 208 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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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract renewal with the Hill Country Dispute Resolution Center.

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

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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 Change Order No. 1 from ABECO Contracting, Inc. concerning 221 Fawn Valley offices.

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

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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Change Order No. 2 from ABECO Contracting, Inc. concerning 221 Fawn Valley offices.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 table this agenda item which pertains to awarding a contract for Road & Bridge materials.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 approve the Amending Plat of Champee Springs Ranches Subdivision, Tracts 3A-3A-a and 3A-3B-a into Tracts 3A-3A-b and 3A-3B-b 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.

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17-1. 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 October 25, 2010 meeting pertaining to the cancellation of Lots 101, 102, and 103 out of Stone Springs Estates Subdivision (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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Commissioner Miertschin left the Courtroom.

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17-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the application for cancellation of Lots 101, 102, and 103 out of Stone Springs Estates Subdivision in accordance with Section 209 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) with the instruments of cancellation being 1) a Plat Revision and 2) an instrument in the deed records reflecting the change to the three lots owned by William E. and Rebecca Gaines Hooks .

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

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Commissioner Miertschin returned to the Courtroom.

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18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum setback requirements for Sparkling Springs Ranchettes Subdivision, Lot 71A, in accordance with Section 301.1600 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) where the proposed setback is 10 feet from the right-of-way on West High Bluff Circle.

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 adopt the Kendall County Development Rules and Regulations with the appropriate changes pertaining to striking the duplicate definition (#58) of "Private Street" and the subsequent renumbering of the items.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 authorize the Parks Department to purchase two trucks instead of one truck.

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

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At 10:00 a.m. the Court closed Open Session, took a 10-minute Break, and then went into Executive Session pursuant to:

- I. Section 551.072, to deliberate the purchase, exchange or value of real property
- II. 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. EEOC Complaint—Angela San Miguel
  - 3. Lucas Lancaster vs. Kendall County, et al
- III. Section 551.074 to deliberate the duties and responsibilities of personnel in:
  - 1. Road & Bridge
  - 2. Parks Department

At 12:10 p.m. the Court closed Executive Session and at 12:12 p.m. went into Open Session where 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 appoint Ricky Pfeiffer as Road Superintendent of Kendall County and authorize payment of the appropriate bond.

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

III-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, on the advice of the County attorneys, to cancel the scheduled Grievance Hearing on November 22<sup>nd</sup> for David Cheney.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 approve the claim from Andy Rust for truck damage sustained by a rock thrown from a mowing deck (Unit 39) on October 5, 2010 on Holiday Road and to authorize up to \$100.00 for auto rental.

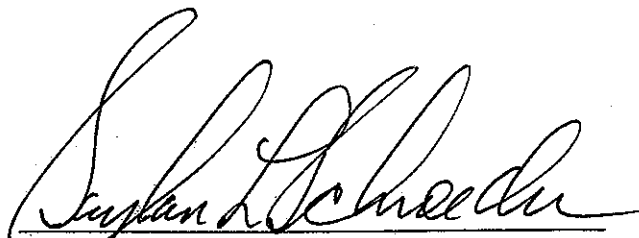
Motion was made by Commissioner Rusch, seconded by Commissioner Lux, and carried by a vote of 5-0.

Being no further business, the meeting was adjourned at 12:20 p.m.

EXAMINED AND APPROVED THIS 22<sup>nd</sup> DAY OF NOVEMBER A.D., 2010.

ATTESTED:

  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS