

**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 December 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.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for November 22, 2010 and December 6, 2010.**

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

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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 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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4.      **PUBLIC COMMENTS:**

**(During Agenda Item #17)**

- **Roy Perkins spoke about the easement on his property that was granted to the Krauter Family Partnership for the purpose of access to the Ingenhuett General Store's loading docks. He is opposed to the easement due to the destruction of the store by fire and the property being sold.**
  - **The Court advised Mr. Perkins that his property with the said easement was not a part of the property being considered in the Plat Revision for this agenda item and there was nothing the Court could do to address his concern at this time.**
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5.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      **It is ordered by the Commissioners' Court of Kendall County, Texas, to participate in Kendall County's Weight Loss Challenge and to approve one day off to each of the four Kendall County employees who achieve the highest weight loss for a male, the highest weight loss for a female, the highest percentage weight loss for a male, and the highest percentage weight loss for a female.**

**Motion was made by Judge Schroeder, seconded by Commissioner Reissig, 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 close-out procedures and exit audit for the County Treasurer's office which includes closing the office at 4:00 p.m. on Tuesday, December 28, 2010 until the end of the calendar year.

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

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7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the close-out procedures and exit audit for the Justice of the Peace office, Precinct 2, which includes closing the office at 4:00 p.m. on Tuesday, December 28, 2010 until the end of the calendar year.

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

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8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Statement of Financial Position for the Kendall County Adult Probation Department for fiscal year 2010 (attached).

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

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

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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Order No. 12-13-2010A which prohibits the sale or use of restricted fireworks classified as "skyrockets with sticks" and "missiles with fins" in the unincorporated areas of Kendall County (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 approve Kendall County Order 12-13-2010B, a DECLARATION OF LOCAL STATE OF DISASTER AND ORDER PROHIBITING AND RESTRICTING THE USE OF COMBUSTIBLE MATERIALS INCLUDING ALL FIREWORKS AND PROHIBITING ALL OUTDOOR BURNING (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 Memorandum of Understanding with Indigent Healthcare Solutions to extend the contract pending approval by the County Attorney's office.

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

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13. The County building at 221 Fawn Valley was reported to be almost finished. The completion of a punch list is pending.

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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 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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15. 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 November 22, 2010 meeting pertaining 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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16-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2011 material bids for Road & Bridge, which are the lowest actual bids including delivery (attached).

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

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16-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the bid for concrete work to the contractor with the lowest bid, which is TSS Construction, for \$17,450.00 for the James Marquardt Crossing on Old No. 9.

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 approve the Plat Revision of the Town of Comfort, parts of Lots 100, 101, 102 and 146 (High and Eighth Streets) into Lots 100A and 100B in accordance with Section 208 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) . Relief for minimum road frontage and maximum density was granted September 27, 2010.

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 Cordillera Ranch, Unit 201, Block D, Lots 1 and 2 into Lot 1A.

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

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At 10:20 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 location of County offices
  2. EEOC Complaint—Angela San Miguel
  3. EEOC Complaint—David Cheney
  4. EEOC Complaint—Charles Camden
  5. Lucas Lancaster vs. Kendall County, et al
  6. Severance vs. Jerry Patterson, Commissioner of the Texas General Land Office, et al.  
Motion for rehearing and amicus curiae brief
- III. Section 551.074 to deliberate the duties and responsibilities of personnel in the Parks Department
- IV. Section 551.076 to discuss the deployment, or specific occasions for implementation, of security personnel or devices

At 11:45 a.m. the Court closed Executive Session and went into Open Session where the following motions were made:

II-6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 12-13-2010 pertaining to the recent opinion by the Supreme Court of Texas concerning Carol Severance, Petitioner, vs. Jerry Patterson, Commissioner of the Texas General Land Office (attached).

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 process to follow for the donation of right-of-way to Kendall County for a proposed County road at Interstate Highway 10 and US Highway 87 and also to authorize the Kendall County Development Manager to approve plat revisions as required for the proposed Love's Truck Stop and to obtain title insurance as required. Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 Memorandum of Understanding between the City of Boerne and Kendall County concerning the Herff Road project.

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

Judge Schroeder noted that at 2:00 p.m. there would be a Groundbreaking Ceremony for the Kreutzberg Canyon Natural Area.

Being no further business, the meeting was adjourned at 11:50 a.m.

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

ATTESTED: Dalene Herin  
COUNTY CLERK  
KENDALL COUNTY, TEXAS

Stephen Schroeder  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS