

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 10<sup>th</sup> day of December 2012.

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 November 26, 2012.

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 Claims as submitted (on file).

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

---

4. PUBLIC COMMENTS:

- Mike Luckey spoke about the Public Comments section in the proposed Rules of Procedures for Commissioners' Court.
  - Nick Watson thanked Commissioner Rusch, the Court, and the Road & Bridge department for the work done in Comfort to help with flood problems.
  - Emmanuel Flatten also thanked the Court about the work done in Comfort for flood prevention and for signing the Memorandum of Understanding with Kerr County, the water districts, and other agencies to help with water supply and flooding issues.
  - Frank Hill asked the Court for time at a future meeting to give his view of the proposed new District for Kendall County.
  - Commissioner Lux commented on the last events of the Kendall County Sesquicentennial in Bergheim and Kendalia. He also complimented the Historical Commission for a job well done.
  - Earl Smith spoke about the Public Comments section in the proposed Rules of Procedures for Commissioners' Court.
-

5. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Resolution 12-10-2012A designating Grantworks and VEI Consulting Engineers as the administration and engineering service providers respectively for the 2012 Texas Community Development Block Grant (TCDBG) Fund Contract 712151 (attached).

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 adopt Resolution 12-10-2012B, with changes as discussed, regarding the 2012 Texas Community Development Block Grant (TCDBG) Fund Contract 712151 to authorize the County Judge, the County Judge Pro-Tem, and the County Auditor as signators (attached).

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

---

7. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Resolution 12-10-2012C regarding Section 3 Local Opportunity Plan which requires all Texas Community Development Block Grant (TCDBG) recipients to adopt a plan to encourage employment opportunities and contracting with Section 3 residents and businesses (attached).

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, and carried by a vote of 4-0-1 with Commissioner Miertschin abstaining.

---

8. A Public Hearing was held regarding the proposed Plat Revision of Cordillera Ranch, Unit 205, division of Lot 9A into two lots of 1.86 acres and 1.57 acres as originally platted. No one spoke.

---

9. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to deny the request for relief for lot size, road frontage and density for Cordillera Ranch, Unit 205, division of Lot 9A into two lots, being 1.86 acres and 1.57 acres as originally platted.

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

---

10. A Public Hearing was held regarding the proposed installation of Stop signs at High Street Road and Holiday Road, Walnut Grove North at Cravey Road, North Front Street and Waring Road, Waring Road at Blaschke Road, and Moonlight Ridge and Highland Woods. No one spoke.

---

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the installation of Stop signs at the following locations in Precinct 4: High Street Road and Holiday Road, Walnut Grove North at Cravey Road, North Front Street and Waring Road, and Waring Road at Blaschke Road; and in Precinct 3: Moonlite Ridge and Highland Woods (attached).

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

---

12. A Public Hearing was held regarding the proposed installation of No Parking/Tow Away signs on both sides of Upper Cibolo Creek Road, 1,500 feet east on both sides of the centerline of Boerne Lake Road, extending the existing zone 300 feet more to the east. No one spoke.

---

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the installation of NO PARKING/TOW AWAY signs on both sides of Upper Cibolo Creek Road, 1,500 feet east on both sides of the centerline of Boerne Lake Road, which will extend the existing NO PARKING/TOW AWAY zone 300 feet more to the east.

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

---

14. No action was taken on reinstating the burn ban. It is still lifted.

---

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to take no action on an Order to regulate the sale of certain fireworks in the unincorporated areas of Kendall County.

Motion was made by Commissioner Rusch, seconded by Commissioner Reissig, 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 contract renewal with GovDeals for online auction of surplus and salvage.

Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, 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 declare the listed County property as salvage and surplus (attached).  
Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, 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 contribution rate for 2013 for the Texas County and District Retirement System.  
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
- 
19. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve assigning Room #103 in the Courthouse as office space for Commissioner, Precinct 1, effective January 1, 2013.  
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 authorize the Brush Site to waive the fees for outgoing mulch effective immediately and until further action by the Court.  
Motion was made by Commissioner Miertschin, 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 approve the Amending Plat of Cordillera Ranch, Unit 6, Block A, Lots 5, 6, and 7 into Lots 5A and 7A.  
Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 5-0.
- 
22. THE STATE OF TEXAS  
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Tapatio Springs, Unit 18, Garden Homes, Phase I, Lots 101 and 102 into Lot 101A.  
Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, 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 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.

---

24. The Kendall County AgriLife Extension Agents recognized Ginny Cowan and Hans Wisjan as 4-H Gold Star recipients, the Gold Star being the highest award a 4-H member can receive at the county level.

---

25-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable the agenda item #13 from the November 13, 2012 meeting pertaining to establishing priorities for the Texas Department of Transportation (TxDOT) road projects in Kendall County.

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

---

25-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 12-10-2012D which establishes the County's priorities for the Texas Department of Transportation (TxDOT) road projects in Kendall County (attached).

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

---

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge to submit a letter to the Comptroller of Public Accounts detailing the legal authority of the Kendall County Commissioners' Court to exercise the Power of Eminent Domain.

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

---

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the amended Rules of Procedures, Conduct and Decorum at meetings of the Kendall County Commissioners' Court with the changes as discussed (attached).

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

---

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge and/or Commissioner, Precinct 2, to sign agreements with land owners concerning right-of-way or easement for the Herff Road project.

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

At 11:15 a.m. the Court closed Open Session, took a 5-minute Break, and then went into Executive Session:

- I. 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:
1. County authority concerning subdivisions, County roads, bridges and County property
2. EEOC complaints
II. Pursuant to Section 551.074 to deliberate the duties and responsibilities of:
1. Fire Marshall
2. Parks Department

At 11:40 a.m. the Court recessed Executive Session and took a lunch break.

At 1:05 pm. the Court resumed Open Session.

29. Jonathan Cluck and Joe Davis, representing the Kendall County Bar Association, presented information regarding possible future changes to the counties in the 216th and 198th District Courts and subsequent effects on Kendall County.

District Judge, Keith Williams, and County Court-at-Law Judge, Bill Palmer, spoke about their courts and caseloads.

At 2:20 p.m. the Court recessed Open Session and at 2:22 p.m. resumed Executive Session.

At 2:35 p.m. the Court closed Executive Session, resumed Open Session and being no further business, the meeting was adjourned at 2:40 p.m.

EXAMINED AND APPROVED THIS 21st DAY OF DECEMBER A.D., 2012

ATTESTED: Darlene Herrin
COUNTY CLERK
KENDALL COUNTY, TEXAS

Stephen L. Schuster
COUNTY JUDGE
KENDALL COUNTY, TEXAS