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 28th day of February 2011.

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

- 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 Mike and Carol Schultz whose son passed away last week.
- 2. A Service Award for 10 years of service was presented to Robert Olson, Road & Bridge Department.
- 3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for February 14, 2011.

Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, 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 Monthly Reports for January 2011 (on file).

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

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 Rusch, and carried by a vote of 5-0.

- 6. PUBLIC COMMENTS:
 - Commissioner Lux said that concrete was poured last week for the County Recycling Center on Spanish Pass and the building will be erected this week

(the following comments are in regard to agenda item #7)

- Commissioner Lux said that he attended a meeting concerning the plan where two things stood out— property owners can choose to participate in the plan as individuals and counties that participate in the plan will also be required to fund it through some form of taxation
- Judge Schroeder read the Resolution which states the County's refusal to participate in the plan
- · Earl Smith thanked the Court for the opportunity for residents to voice their opinion
- Mike Luckey complimented the Court for their quick action and nicely written Resolution
- Rose Maurer asked if the County Resolution would actually stop the plan
- Bob Reinarz thanked the Court for the Resolution and said that County property owners are not against wildlife
 preservation as long as it is voluntary
- Cleo Marquart said that the Resolution sends a message to many different agencies and groups regarding the mindset of private landowners in Kendall County

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 02-28-2011A which states that Kendall County will not support nor participate in the Southern Edwards Plateau-Habitat Conservation Plan (attached).

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

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

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Racial Profile Reports for 2010 from Law Enforcement Agencies in Kendall County (attached).

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

- 10. A Public Hearing was held regarding the application filed by 2x2 Comfort Properties, LLC (Allen and Sunny Goodwin and Clark and Karolyn Lang) for the proposed Plat Revision for part of Comfort Outlot 67 and Hill Crest Addition, Lots 4 and 5 into a condominium development. The following people spoke:
 - The County Development Manager said that the Public Notice was published with the location of the plat in the "Plat Records" when it should have been "Deed Records"
 - Dan Rogers, representing the Chamber of Commerce, spoke in favor of the development saying that it would help provide affordable housing for the County workforce

11. 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 and maximum density in accordance with Section 300.1100 of the Kendall County Development Rules and Regulations adopted November 8, 2010. The proposed condominium project consists of seven Units in Phase I on 0.988 acres and eight Units in Phase II on 0.826 acres. Phase I Units would front on Faltin Street and West Street and Phase II Units would front on a proposed driveway and Fifth Street (2x2 Comfort Properties, LLC).

Motion was made by Commissioner Rusch, seconded by Judge Schroeder, and carried by a vote of 3-2 with Commissioner Miertschin and Commissioner Lux voting against.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to name the County building located at 221 Fawn Valley: Kendall County Courthouse Annex.

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve moving the location for early voting from the Kendall County Courthouse at 201 East San Antonio Street to the Kendall County Courthouse Annex at 221 Fawn Valley Drive for all County-held elections.

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

14-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the consolidation of polling locations for the May 2011 Special Election as submitted (attached).

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

14-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the early voting locations for the May 2011 Special Election: Kendall County Courthouse Annex and the Fair Oaks Ranch City Hall.

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve using electronic voting for the May 2011 Special Election and using paper ballots for by-mail or provisional voting.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 adopt an Order calling an Election, concerning the issuance of unlimited ad valorem tax road bonds, to be held in Kendall County, Texas (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 payment for Emergency Call Out for the Facilities Maintenance department.

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 Change Order No. 3 from ABECO Contracting, Inc. for the build out of 221 Fawn Valley.

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 table this agenda item which pertains to moving County long distance telephone service to Guadalupe Valley Telephone Cooperative (GVTC).

Motion was made by Commissioner Miertschin, 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 forgo the Request For Qualifications (RFQ) for fencing contractors for a fence at the County Brush Site and instead have the Road & Bridge department build the fence.

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 County Engineer publishing the Request for Qualifications (RFQ) for engineering services for the Herff Road project.

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

22. The County GIS Specialist said that Geographic Information System (GIS) data for the County would soon be available online on a website hosted by the Alamo Area Council of Governments (AACOG). The website will be linked to the County website after testing is complete.

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare the attached list as surplus property as provided by the Road & Bridge department.

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

24. The Road Superintendent presented a summary of activities for Road & Bridge during January 2011 (attached).

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 10, Block A, Lots 6 and 7 into Lot 6A.
Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 5-0.
THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Final Plat of
Cordillera Ranch, Unit 205A-1 and accept Letters of Credit in the amount of \$340,042.00 for road and drainage and
\$157,076.00 for water and waste water.
Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, and carried by a vote of 5-0.
The County Development Manager presented a summary of activities for January 2011.
The Parks Department Director presented a summary of activities for January 2011.
a.m. the Court closed Open Session and went into Executive Session pursuant to:
Section 551.072 to deliberate the purchase, exchange or value of real property
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 and county roads and bridges 2. EEOC Complaints 3. Lucas Lancaster vs. Kendall County, et al
Section 551.074 to deliberate the duties and responsibilities of personnel in the Parks Department
rt took a lunch break at 11:35 a.m.
.m. Executive Session was reconvened.
further business Court was adjourned at 2:30 p.m.
NED AND APPROVED THIS 14 th DAY OF MARCH A.D., 2011.
TED: DANIENE HERRIN COUNTY CLERK KENDALL COUNTY, TEXAS By: Denie Pendley, deputy COUNTY JUDGE KENDALL COUNTY, TEXAS