THE STATE OF TEXAS

COUNTY OF KENDALL

BE IT REMEMBERED, that the Commissioners' Court of Kendali County, Texas, was

begun and held at a Regular Meeting at the Courthouse in Boerne, Texas, on the 9th day of May 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

- 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 April 25, 2011.

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 Budget Adjustments as submitted (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 all of the Claims (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 Financial Report for March 2011 (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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, t					
	approve the Quarterly Investment Report for 1st Quarter 2011 (attached).					
	Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.					
7.	 PUBLIC COMMENTS: Jeff Fincke, Emergency Management Coordinator, told the Court about a driving simulator for train County personnel to experience various kinds of vehicles in different adverse driving conditions. The Court agreed that the County would benefit from this training and Jeff said he would schedule it. Commissioner Lux gave an update on the Recycling Center and he also said that he would be attending another SEP-HCP (Southern Edwards Plateau – Habitat Conservation Plan) meeting tonight. Gary Eldridge, Chief Appraiser, presented the Court with a check in the amount of \$33,650.00 which represents unspent funds from the 2010 Budget for the Kendall Appraisal District. 					
8.	Brad Ryden, Headmaster of the Geneva School of Boerne, introduced the Class of 2011. This represents a milestone for the new school which started in 1999 with 13 elementary age students and has grown to 472 students in all age categories including this first senior class of 19 students. The commencement ceremony will be May 21 st at the First Baptist Church in Boerne and James Baker, former United States Secretary of State, will be the commencement speaker.					
9.	The winners of the 3 rd Annual Weight Loss Challenge are: Jean (Max) Maxwell, Harriet Seidensticker, Toby Bagley, and Cherry Russell.					
10.	THE STATE OF TEXAS					
	COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accep					
	the Fiscal Year 2010 Annual Audit as presented by Keith Neffendorf of Neffendorf, Knopp, Doss & Company					
	(attached).					
	Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 5-0.					
11.	THE STATE OF TEXAS					
	COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to					
	appoint the Election Judges for the May 14, 2011 election (attached).					

12. A Public Hearing was held regarding the proposed Plat Revision for the Town of Kendalia, Block 82, Lot 1R into Lots 1R-1 and 1R-2. No one spoke.

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

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13.	THE	STA	т к	OF.	TEXA	١S

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to maximum density for the proposed Plat Revision of the Town of Kendalia, Block 82, Lot 1R into Lots 1R-1 and 1R-2.

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

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision for the Town of Kendalia, Block 82, Lot 1R into Lots 1R-1 and 1R-2.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 select Frost Bank as the depository financial institution for Kendall County.

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

16. The County Auditor presented a draft Budget Calendar for the Court to review.

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to select the Boerne Star as the official newspaper for publication of public notices for Kendall County during April 1, 2011 through March 31, 2012.

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

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the application from Texas Star Nut and Food for tax abatement (Order No. 05-09-2011A attached).

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 tax abatement for Albany Engineered Composite Inc. for tax year 2011 (Order 05-09-2011B attached).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 schedule a public hearing May 23, 2011 at 9:15 a.m. concerning the petitions filed by property owners for a change to the road status for a part of Upper Cibolo Creek Road.

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 payment for Emergency Call Out for Road & Bridge.

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

23. A Public Hearing was held regarding the proposed Plat Revision for the Town of Waring, Block 5, Lot 1A into Lot 1A-1. No one spoke.

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision for the Town of Waring, Block 5, Lot 1A into Lot 1A-1 to change the lot line next to the unplatted tract.

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

25. 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 in accordance with Section 102.1003 of the Kendall County Development Rules and Regulations, regarding lots larger than 10 acres, for a 62.82(+-)-acre tract located at 307 Spanish Pass Road which has a 50-foot fee simple access. The proposed division would result in a 32.7(+-)-acre tract and a 30.12(+-)-acre tract with actual access allowed through the driveway maintenance agreement.

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 approve the Amending Plat for Cibolo Oaks Subdivision, Lots 36A and 37 into Lots 36A-1 and 37A to relocate a common lot line due to encroachment.

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 approve the agreement between property owners and Kendall County for a water well for fire protection in Champee Springs Ranches Subdivision.

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 Parks Director to solicit bids and accept the low bid for replacing three HVAC (air conditioning) units at Joshua Springs Park and Preserve Conference Center as required by the SECO Stimulus American Recovery and Reinvestment Act Grants of 2010.

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

29. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to close off vehicle traffic access between the City of Boerne parking lot on Main Street and the County property located at 114 Rosewood.

Motion was made by Judge Schroeder, seconded by Commissioner Reissig, and carried by a vote of 4-1 with Commissioner Lux voting against.

At 11:20 a.m. the Court closed Open Session, took a 10-minute Break, and then 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 are as follow:
 - 1. County authority concerning subdivisions, county roads and bridges and regulation of land use
 - 2. EEOC complaints
 - 3. William E. Hooks, Jr. and Rebecca G. Hooks vs. Kendall County

- III. Pursuant to Section 551.074 to deliberate the duties and responsibilities of:
 - 1. Records Management Officer for non-elected officials
 - 2. Appointed Officers of the County

At 3:20 p.m. the Court closed Executive Session and went into Open Session where the following motions were made:

30-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the sealed bid option for the sale of real property previously known as the Mental Health Mental Retardation (MHMR) building located on Blanco Road.

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

30-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney and the Auditor's Office to proceed with the Notice of Sale for the property previously known as the Mental Health Mental Retardation (MHMR) located on Blanco Road.

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

II-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney to proceed as discussed in Executive Session concerning hiring a law firm for the EEOC complaints.

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

III-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amendment to Resolution (dated June 27, 1994), Section 5, that moves the responsibility for Records Management for non-elected officials to the Human Resources Director.

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

Being no further business, the meeting was adjourned at 3:30 p.	.m.
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EXAMINED AND APPROVED THIS 23rd DAY OF MAY A.D., 2011

ATTESTED: 💢

KENDALL COUNTY, TEXAS

COUNTY HIDGE

KENDALL COUNTY, TEXAS