

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 Historic Courthouse in Boerne, Texas, on the 26<sup>th</sup> day of September, 2005.

Present: EDDIE J. VOGT, COUNTY JUDGE ANN REISSIG, COMMISSIONER, PCT. #1

GENE MIERTSCHIN, COMMISSIONER, PCT. #2

DARREL LUX, COMMISSIONER, PCT. #3

RUSSELL C. BUSBY, COMMISSIONER, PCT. #4

DONNA B. STEWART, DEPUTY COUNTY CLERK

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The meeting was called to order with the Pledge of Allegiance to the United States and Texas flags.

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9:01

A 20 year service award was given to Linda Schacht, an employee in the County Attorney's Office. Don Allee accepted on her behalf.

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THE STATE OF TEXAS 9:02

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Monthly Reports for August as presented by the Auditor's Office and on file.

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

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THE STATE OF TEXAS 9:05

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments as submitted by the Auditor and attached.

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

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THE STATE OF TEXAS 9:07

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to set the County's mileage rate for fiscal year 2006 at \$.41 per mile.

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

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THE STATE OF TEXAS 9:07

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to set the County's lodging allowance for fiscal year 2006 at \$85.00 per night or if attending a conference, the cost of the host hotel.

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

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THE STATE OF TEXAS 9:07

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to set meal per diem for fiscal year 2006 at \$36.00 a day. Breakfast - \$9.00, Lunch - \$12.00, Dinner - \$15.00.  
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.

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THE STATE OF TEXAS 9:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the recurring Claims for fiscal year 2006 as presented and attached.  
Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

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THE STATE OF TEXAS 9:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Claims and the two additional pages of Claims as presented by the Treasurer's Office.  
Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

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THE STATE OF TEXAS 9:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that property taxes be increased by the adoption of a tax rate of \$.37 per \$100.00 of taxable value being \$.029905 for the Debt Service rate and \$.340095 for the General Maintenance and Operations Rate.

**THIS RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

**THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000.00 HOME BY APPROXIMATELY \$0.00.**

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0 with Judge Vogt, Commissioner Reissig, Commissioner Miertschin, Commissioner Lux, and Commissioner Busby all voting in favor.

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THE STATE OF TEXAS 9:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve discounts for early payment of property taxes as follows: 3% if paid in October, 2 % if paid in November, and 1% if paid in December.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0 with Judge Vogt, Commissioner Reissig, Commissioner Miertschin, Commissioner Lux, and Commissioner Busby all

voting in favor.

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THE STATE OF TEXAS 9:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to continue County health insurance with United Healthcare with a change in the Pharmacy Benefit that has been \$25 increasing to \$30.00.

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

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THE STATE OF TEXAS 9:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to continue County dental insurance, at no increase in premium, with the same company that is now known as United Concordia.

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

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THE STATE OF TEXAS 9:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to continue County life insurance, at no increase in premium, with Mutual of Omaha.

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

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THE STATE OF TEXAS 9:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to

increase the County benefit rate to employees with dependent health insurance as follows:

employee with child \$120.00, employee with spouse - \$130.00, employee with family - \$140.00.

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

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THE STATE OF TEXAS 9:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2006 Holiday Schedule, Option #2, as attached with Texas Independence Day being eliminated.

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

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THE STATE OF TEXAS 9:40

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Commissioners' Court Calendar for 2006.

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

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9:45

Numerous residents concerned with the proposed Boerne Relief Routes spoke to the Court and asked that a Resolution be passed and forwarded to Texas Department of Transportation advising that the County does not support their plans for development. Commissioner Miertschin would like the Court to consider a Resolution, after he and the County Attorney have reviewed the proposed document, for approval at a future meeting.

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**Public Comments:**

Karen Wetzel commented on variances being requested by the proposed Monte Vista Subdivision.  
Linda Hare asked the Court to be involved in a master plan for the County and be proactive rather than reactive to future growth in the County.

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**10:15**

Representatives of the newly formed Bergheim Volunteer Fire Department addressed the Court and updated them on their desire to move forward in funding for a building and equipment. They are requesting that the County deed the property to the Fire Department so that it may be used for collateral.

**THE STATE OF TEXAS**                      **10:15**

**COUNTY OF KENDALL**                      It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney to prepare the necessary papers and enter into an agreement with the Bergheim Volunteer Fire Department to transfer title of the County owned property on Highway 46.

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

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**10:20**

The Judge reminded the Court of the opening on the Board of Directors of Kendall Appraisal District and that a vote would need to be taken at the next meeting.

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**THE STATE OF TEXAS**                      **10:25**

**COUNTY OF KENDALL**                      It is ordered by the Commissioners' Court of Kendall County, Texas, to hire Willie Stanley on a contract basis to temporarily replace Willie Jaimes as a part time employee at the Comfort Solid Waste Station.

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

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**10:30**

Brenda Bell addressed the court and recommended that the County require food manager certification for establishments within Kendall County.

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**THE STATE OF TEXAS**                      **10:35**

**COUNTY OF KENDALL**                      It is ordered by the Commissioners' Court of Kendall County, Texas, to amend Sections III and V of the interlocal agreement with Cow Creek Groundwater Conservation District extending the term of the agreement until December 31, 2005.

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

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**10:40**

Tom Pahl presented a summary of activities by the Development Management Department.

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**10:45**

The County Engineer presented a summary of activities by the Road and Bridge Department for August.

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**THE STATE OF TEXAS**                      **10:50**

**COUNTY OF KENDALL**                    It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the roads and drainage system in Pfeiffer Ranch Estates for County maintenance and release the letter of credit in the amount of \$240,327.00 in accordance with paragraphs 204.7100 and 204.8000 of the County guidelines. Motion was made by Commissioner Reissig, seconded by Commissioner Lux, and carried by a vote of 5-0.

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**THE STATE OF TEXAS**                    10:55

**COUNTY OF KENDALL**                    It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the roads and drainage system in Meadow Springs Estates Subdivision for County maintenance and release the letter of credit in the amount of \$465,212.00 in accordance with paragraphs 204.7100 and 204.8000 of the County guidelines. Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

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**THE STATE OF TEXAS**                    11:00

**COUNTY OF KENDALL**                    It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to paragraph 401.1000 requiring road right-of-way be cleared of all obstructions with monitoring being done by the County Engineer. The developer would like to leave existing lights that have electrical lines in the right-of-way and water faucets for landscaping. Motion was made by Commissioner Busby, seconded by Commissioner Lux, and carried by a vote of 5-0.

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**THE STATE OF TEXAS**                    11:00

**COUNTY OF KENDALL**                    It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to Paragraph 303.1100 of the County guidelines for Vista Real Subdivision, Precinct 4, requiring a Groundwater Availability Report if any lots are less than 20 acres. Two lots in the proposed subdivision are less and the Court's approval is contingent on Cow Creek Groundwater Conservation District having no objections. Motion was made by Commissioner Busby, seconded by Judge Vogt, and carried by a vote of 3-2 with Commissioner Reissig and Commissioner Lux voting against.

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**THE STATE OF TEXAS**                    11:00

**COUNTY OF KENDALL**                    It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to Paragraph 303.1100 of the County guidelines for Vista Real Subdivision, Precinct 4, restricting more than one water well per lot. One lot in the proposed subdivision currently has a well for stock purposes and a second well for a residence is requested. The Court's approval is contingent on Cow Creek Groundwater Conservation District having no objections. Motion was made by Commissioner Busby, seconded by Judge Vogt, and carried by a vote of 5-0.

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**THE STATE OF TEXAS**                    11:00

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief on Lots 5 and 6 of Vista Real Subdivision to Paragraph 301.1000 requiring 300 feet of road frontage. Motion was made by Commissioner Busby, seconded by Commissioner Lux, and carried by a vote of 5-0.

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THE STATE OF TEXAS                    11:05

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from the 1990 County guidelines on the following requests for Cordillera Ranch, Unit 204-A:

1. Use a permanent turf reinforcement mat, North American Green C350 or equal, in lieu of concrete lined ditches as required by paragraph 405.17.
2. Use a prime coat under a 1 1/2" HMAC pavement as required by paragraph 404.10.
3. Place certain utilities (water, sewer, electrical, and telephone) inside the road right-of-way in lieu of placing them outside the ROW as required by paragraph 302.25.
4. Use of a 29 feet wide pavement in lieu of a 36 feet wide pavement as required in paragraph 302.21 for lots smaller than 90,000 square feet.
5. Use of a 6" roll curb in lieu of the standard 7" curb with no gutter as required by paragraph 620.1

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

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THE STATE OF TEXAS                    11:10

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to release the Letter of Credit in the amount of \$646,649.00 for construction of a water distribution and wastewater collection system in Unit 105 of Cordillera Ranch Subdivision. The Subdivision's Engineer has stated that construction is complete.

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

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THE STATE OF TEXAS                    11:15

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to release the Letter of Credit in the amount of \$42,336.00 for construction of a water distribution and wastewater collection system in Unit 203 of Cordillera Ranch Subdivision. The Subdivision's Engineer has stated that construction is complete.

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

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THE STATE OF TEXAS                    11:20

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to release the Letters of Credit in the amounts of \$182,179.00, \$69,206.00, and \$257,106.00 for construction of a water distribution and wastewater collection system in Units 201, 201B, and 202 respectively, of Cordillera Ranch Subdivision. The Subdivision's Engineer has stated that construction is complete.

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

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THE STATE OF TEXAS                    11:25

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to accept an amended Letter of Credit on Unit 201B of Cordillera Ranch Subdivision in the amount of \$102, 988.00 for road and drainage improvements from October 29, 2005, to April 29, 2006, in accordance with Section 204 of the County guidelines dated 1990.

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

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THE STATE OF TEXAS                    11:30

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to accept an amended Letter of Credit on Unit 201 of Cordillera Ranch Subdivision in the amount of \$458,377.00 for road and drainage improvements from October 29, 2005, to April 29, 2006, in accordance with Section 204 of the County guidelines dated 1990.

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

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THE STATE OF TEXAS                    11:35

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to accept an amended Letter of Credit on Unit 202 of Cordillera Ranch Subdivision in the amount of \$623,708.00 for road and drainage improvements from October 29, 2005, to April 29, 2006, in accordance with Section 204 of the County guidelines dated 1990.

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

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11:40

A motion was made by Commissioner Busby and seconded by Judge Vogt to grant relief on the minimum number of water test wells required for the water availability report for the proposed Monte Vista Subdivision in Precinct 4. The motion failed by a vote of 2-3 with Commissioners Reissig, Miertschin, and Lux voting against.

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THE STATE OF TEXAS                    11:45

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to amend the plat for Lots 28 and 29 of River Mountain Ranch Subdivision, Section 1, into Lots 28A and 29A in accordance with paragraph 208.1200.4 of the County guidelines dated August 29, 2005.

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

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THE STATE OF TEXAS                    11:50

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat of Woodridge Estates, Unit 2, including the replat of Lot 16 of Woodridge Estates, and accept the bond in the amount of \$280,000.00 in accordance with paragraphs 203 and 204 of the County guidelines dated January, 1997.

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

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Court recessed for lunch at this time.

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1:30

Don Holmes addressed the Court and requested that the classification of Hein Road be changed from a 3<sup>rd</sup> class to a 2<sup>nd</sup> class road.

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Court went into Executive Session at this time.

As a result, the following motion was made:

THE STATE OF TEXAS                    2:00

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to approve going out for requests on qualifications for architects concerning the Courthouse third floor project. Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0.

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THE STATE OF TEXAS                    2:30

COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas, to approve payment of two invoices to the County Surveyor from the Commissioners' Court contingency fund. Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

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Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF   October   A.D.,   2005  .

ATTESTED: \_\_\_\_\_  
                  COUNTY CLERK  
                  KENDALL COUNTY, TEXAS

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                  COUNTY JUDGE  
                  KENDALL COUNTY, TEXAS