

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 24th day of October, 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

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

THE STATE OF TEXAS 9:01

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

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

THE STATE OF TEXAS 9:02

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the low bid audit proposal from Neffendorf, Knopp, Horry, and Doss.

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

THE STATE OF TEXAS 9:05

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

the Claims and additional Claims as submitted by the Treasurer's Office, omitting payment to Equipment Depot in the amount of \$63.78 as listed on page 14.

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

THE STATE OF TEXAS 9:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the financial/investment reports for the fourth quarter of fiscal year 2005 as presented by the Treasurer and attached.

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

THE STATE OF TEXAS 9:15

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that the discount for early payment of property taxes be extended: 3% if paid in November, 2% if paid in December, and 1% if paid in January. Delinquency date will be March 1, 2006.

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

9:20

Curtis Bissonnette informed the Court of efforts being made to establish a Boys & Girls Club in Boerne.

THE STATE OF TEXAS 9:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to combine voting precincts for the November 8, 2005, Constitutional Amendment Election as proposed by the County Clerk and attached.

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

THE STATE OF TEXAS 9:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Presiding and Alternate Election Judges for the November 8, 2005, Constitutional Amendment Election for combined precincts as provided by the County Clerk and attached.

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

9:30

The Judge informed the public of a Texas Department of Transportation (TIP) Rural Transportation Improvement Program meeting on Wednesday, November 9th at 6:00 or 7:00 p.m. at the Guadalupe Valley Telecommunications Cooperative Building.

THE STATE OF TEXAS 9:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve payment in the amount of \$2,640.00 for a storage container arriving October 25th at the Sheriff s Department C.O.D.

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

THE STATE OF TEXAS 9:40

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve paying \$180.00 in travel expenses for MHS Planning and Design to come to Kendall County on November 14th and make a presentation on park planning.

Motion was made by Commissioner Busby, seconded by Commissioner Reissig, and carried by a vote of 3-2 with Commissioners Miertschin and Lux voting against.

THE STATE OF TEXAS 9:45

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

authorize the County Attorney to prepare and the County Judge to sign a Deed and interlocal agreement transferring 2.635 acres of abandoned state right-of-way on Highway 46 to the Berghheim Volunteer Fire Department.

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

THE STATE OF TEXAS 9:50

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to establish a committee to study, review, evaluate, and recommend a County Thoroughfare Plan and ask for volunteers to serve on the committee.

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

No one spoke during the Public Comment time.

Court recessed for a short break.

10:15

Development Management presented a summary of permits issued by their department for September, 2005.

10:20

The County Engineer gave a report on work by the Road and Bridge Department during the month of September, 2005.

THE STATE OF TEXAS 10:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve relief for Estancia at Thunder Valley Subdivision to paragraph 302.1650 of the 1997 Subdivision Regulations requiring minimum horizontal curve radii of 273 feet. Approved is a 229 foot radius as required in the current rules and regulations.

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

THE STATE OF TEXAS 10:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve relief for Estancia at Thunder Valley Subdivision to paragraph 405.1700 of the 1997 Subdivision Regulations requiring concrete lining of ditches where the grade exceeds 5% or velocity exceeds 4 fps. A C350 erosion control blanket is approved for use in lieu of concrete lining.

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

THE STATE OF TEXAS 10:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve relief for Estancia at Thunder Valley Subdivision to paragraph 302.1430 of the 1997 Subdivision Regulations requiring a standard cul-de-sac with concentric diameters of pavement and right-of-way. An offset cul-de-sac without concentric diameters is approved.

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

THE STATE OF TEXAS 10:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief for Cordillera Ranch, Unit 106, from paragraph 405.1700 of the 1997 Subdivision Regulations which requires concrete lined ditches where the grade exceeds 5% or velocity exceeds 4 fps. A C350 erosion control blanket is approved for use in lieu of concrete lining.

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

THE STATE OF TEXAS 10:35

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

approve the amending plat for Lots 94, 95, 96, 99, 100, 101, 102, 127, 128, and 129 in Diamond Ridge Subdivision into Lots 94A, 96A, 100A, 102A, 127A, 128A, 129A, and 99A in accordance with Paragraph 208.1200 of the County Guidelines dated August, 2005.

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

THE STATE OF TEXAS 10:40 (Motion Failed)

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to the maximum time of one year for submission of a final plat following approval of the preliminary plat for Unit 2 of Las Colinas Subdivision.

Motion was made by Commissioner Busby, seconded by Judge Vogt, and failed by a vote of 2-2 with Commissioners Reissig and Miertschin voting against and Commissioner Lux abstaining.

THE STATE OF TEXAS 10:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage to Duke property on Redfield Road in accordance with paragraphs 105 and 102.1000.9 of the County Guidelines dated August, 2005. A three acre tract is being divided out of a 69.52 acre tract with access through a sixty foot easement for the purpose of a home mortgage.

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

Court went into Executive Session at this time and then recessed for lunch.

1:30

Information was received from Terry Mitchell regarding Conservation Development in new subdivisions.

As a result of Executive Session, the following three orders were made:

THE STATE OF TEXAS 10:50

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to have the County Attorney draw up a contract and hire Merry Maids Cleaning Service as soon as possible with a 30 day termination clause for either party.

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

THE STATE OF TEXAS 11:00

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney's Office to hire outside counsel in regards to pending litigation concerning Margaret Dooling if it is not covered by our insurance carrier.

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

THE STATE OF TEXAS 11:05 Item #2

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney, Tom Pahl, and Commissioner Busby to proceed as discussed in Executive Session in regards to the Road and Bridge agenda item.

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

2:00

Secretary of State Roger Williams visited the Court and expressed appreciation for the County's efforts to become HAVA (Help America Vote Act) compliant by January 1, 2006.

2:30

A presentation was made on plans to expand the Public Library.

3:00

Kelly Haile and Holly Franzen did a presentation on the 4-H program and events that participants attend.

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS _____ DAY OF November A.D., 2005.

ATTESTED: _____

COUNTY CLERK

COUNTY JUDGE