

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 10 th day of April, 2006.

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 Budget Adjustments as submitted by the Auditor's Office (attached).

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

THE STATE OF TEXAS 9:01

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to Declare an Emergency for Budgetary Purposes and approve the Budget Adjustments as submitted by the Auditor's Office (attached).

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

THE STATE OF TEXAS 9:03

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Claims as submitted by the Treasurer's Office (on file).

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

THE STATE OF TEXAS 9:08

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to keep the burn ban in effect.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 select the Boerne Star/Hill Country Recorder as the official newspaper for publication of official notices for Kendall County from April 1, 2006 through March 31, 2007.

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

THE STATE OF TEXAS 9:12

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve use by Boerne Berges Fest of the streets adjacent to the Courthouse (with City approval) and the parking lot on the east side of the building June 16 through 18, 2006.

Motion was made by Judge Vogt, 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, to proclaim April 23-29, 2006, as County Government Week.

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

9:17

Gary Eldridge, Chief Appraiser, presented the 2006-2007 Kendall Appraisal District budget. Commissioner Miertschin advised that he would like to meet with him to clarify some of the increases.

9:30

Discussion of the Head Start program was tabled until a later date.

9:35

Jessica Schulz with Marshall Shredding Company proposed a secure paper disposal system for the County. Commissioner Lux will check with various offices for a better understanding of how much paper is disposed of and how often to request a cost proposal.

9:40

Representatives from the Guadalupe Blanco River Authority updated the Court on the Western Canyon Project (Canyon Lake Water).

THE STATE OF TEXAS 9:45

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

approve the preliminary plat of Units 19A, 19B, 19C, and 19D, Tapatio Springs Subdivision in accordance with paragraph 202 of the County Guidelines dated 1997, and paragraph 202 of the County Guidelines dated 2005.

Motion was made by Commissioner Reissig, 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 table the discussion of the amending plat for Ray Ranch Estates.

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

9:55

The Shadow Valley agenda item was pulled until a later date.

Public Comments:

Phillip Bell reported on the Economic Development Corporation.

Dub Smothers encouraged people to come to the Cow Creek Groundwater Conservation District meetings and to

support their Election on May 13 th .

Commissioner Miertschin read part of a letter from constituent Billy Lemmons that said, I recently learned about

the planned development on the Kopecki tract on Hwy 46 and the density rule exception, which has been

requested by the developer of this property. Please consider our family to be one of the many that I have talked to in the past few days, which have very strong opinions against the possibility of this exception being granted. Our concerns don't pertain to developments per se. We know many share the love we have for our natural beauty, excellent schools, and friendly people of Boerne and Kendall County . Many others rightfully want to join us in the fine quality and way of life we enjoy here. Our concerns relate to the specifics of the exception and the impact it will have on the destruction of natural habitats, traffic patterns, and drainage and water management issues. For the past several months, I have sadly watched as a similar developer has scraped to the bare rock an area of the hill country just east of Hwy 281 near the intersection of 281 and Stone Oak Parkway. This beautiful area of the hills and oak trees has been replaced by asphalt and concrete homes stacked on top of each other. I doubt that you could find a single naturally occurring plant remaining on this tract. If anyone would like a preview of what development like this will do to Kendall County , he or she should take a short drive to this spot and check it out. While I have not read them in detail, I am told that the subdivision regulations, which were recently adopted on August 25, 2005, are constructed in a manner that balances the needs of all constituents in the county. These regulations were constructed after careful consideration and tremendous input from the citizens of the county. Granting an exception like this and particularly to this degree, density six times the originally enacted rules, will have implications that reach far beyond this one development. Developers will view the regulations as a minor speed bump for whatever they have in mind and concerned citizens will see their efforts in providing options and volunteer efforts to committees as a waste of time. I am somewhat old fashioned probably in believing that most rules exist for a reason especially when they are as carefully thought out as these were. I am not able to attend the meeting tomorrow to voice my concerns in person because of a prior commitment, but I hope that you will forward by email to other commissioners who were considering this request. If it is within the protocol of the meeting, I would appreciate this note being read aloud for the official record. Best Regards, Billy Lemmons

Engineer Wayne Flores and Attorney William Palmer made comments concerning the request for relief of Circle K Ranch Subdivision. Members of the public, the County Attorney , and Attorney George Hyde also made comments (see attached Exhibit A').

THE STATE OF TEXAS 10:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to deny the request for relief on density requirements for the proposed Circle K Ranch Subdivision. A plat has not been filed with the County and more information will be required for further consideration.

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

THE STATE OF TEXAS 10:40

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Jeff Fincke to file the Notice of Intent for the County to participate in the residential safe room rebate program as presented by the State Department of Emergency Management.

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

10:30

The request for relief on lot size to Royce Steubing property on US 87 north of Comfort was addressed and then withdrawn when discussion indicated that if one acre was conveyed, no relief was needed.

Court recessed for lunch at this time.

Commissioner Lux and Commissioner Busby were not present for the following three orders.

THE STATE OF TEXAS 10:15

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat of Unit 105B, Cordillera Ranch Subdivision and accept the Letter of Credit in the amount of \$57,878.00 for road, drainage, water system, and wastewater system improvements in accordance with Sections 203 and 204 of the County Guidelines dated January, 1997.

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 3-0.

THE STATE OF TEXAS 10:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat of Unit 204A, Cordillera Ranch Subdivision and accept two Letters of Credit in the amounts of \$440,796.00 for road and drainage improvements and \$128,626.00 for water and wastewater system improvements in accordance with Sections 203 and 204 of the County Guidelines dated January, 1997.

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 3-0.

THE STATE OF TEXAS 10:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat of Unit 106A, Cordillera Ranch Subdivision and accept two Letters of Credit in the amounts of \$525,158.00 for road and drainage improvements and \$298,149.00 for water and wastewater improvements in accordance with Sections 203 and 204 of the County Guidelines dated January, 1997.

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 3-0.

Court went into Executive Session at this time and as a result, the following orders were made:

THE STATE OF TEXAS 11:00 #2

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney to settle on the wrecked Sheriff's Department vehicle and authorize the Sheriff's Department to purchase two new vehicles from Texoma Ford.

Motion was made by Commissioner Busby, 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 authorize the County Attorney to employ the services of George Hyde to assist in representing Kendall County in challenges to the County's Development Rules and Regulations.

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

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS __ 8 th __ DAY OF __ JANUARY __ A.D., _ 2007 .

ATTESTED: _____

COUNTY CLERK COUNTY JUDGE

KENDALL COUNTY , TEXAS KENDALL COUNTY , TEXAS