

[BACK](#)

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 28th day of August, 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
SALLY W. PETERS, DEPUTY COUNTY CLERK

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

The Court extended sympathy to the families of Dale Lux, Jim Brandt, and Fred Barron.

9:01
Dennis Charley Rust, Road & Bridge, was presented with a Service Award for 15 years of service.

Commissioner Busby was not present for the first two orders.

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 July, 2006, as submitted by the Auditor s Office (on file).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 4-0.

THE STATE OF TEXAS 9:04

COUNTY OF KENDALL It is ordered by the Commissioners Court of Kendall County, Texas, to approve the Budget Adjustments as presented by the County Auditor (attachment).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 4-0.

THE STATE OF TEXAS 9:06

COUNTY OF KENDALL It is ordered by the Commissioners Court of Kendall County, Texas, to approve the Claims and Additional Claims as presented by the Treasurer s Office (on file). Motion was made by Commissioner Reissig, seconded by Commissioner Lux, 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 authorize a 3%-cost-of-living increase in County retiree benefits in the Texas County and District Retirement System (TCDRS). Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

THE STATE OF TEXAS 9:13

COUNTY OF KENDALL It is ordered by the Commissioners Court of Kendall County, Texas, to transfer the duties pertaining to the Texas County and District Retirement System (TCDRS) from the County Treasurer to the Human Resources Director. Motion was made by Judge Vogt, seconded by Commissioner Miertschin, and carried by a vote of 4-0 with Commissioner Lux abstaining.

THE STATE OF TEXAS 9:14

COUNTY OF KENDALL It is ordered by the Commissioners Court of Kendall County, Texas, to renew the Interlocal Agreement with the City of Boerne for Fire Protection Services. Motion was made by Commissioner Lux, seconded by Judge Vogt, and carried by a vote of 5-0.

9:15

No action was taken on lifting the burn ban.

9:16

A Public Hearing was held for the application filed by Vincent D Angelo for the proposed revision of the subdivision plat of Alamo Springs Subdivision, Block 2, Lot 16, filed in Volume 2, Pages 132-151 of the Plat Records of Kendall County, Texas. No one from the public spoke.

THE STATE OF TEXAS 9:17

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision for Alamo Springs Subdivision, Block 2, Lot 16 into Lots 16A, 16B, and 16C, Block 2 (Vincent D Angelo) in accordance with paragraph 208.1200.3 of the County Guidelines dated August 29, 2005.

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

THE STATE OF TEXAS 9:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution for application for the 2007-08 Texas Community Development Block Grant assistance on behalf of Kendall County Water Control and Improvement District No.1 (WCID) (Comfort) under the Community Development Fund.

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

THE STATE OF TEXAS 9:27

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Justice of the Peace, Precinct 1, to purchase a new computer as quoted and to apply for reimbursement from the Texas Department of Public Safety per an Interlocal Agreement.

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

9:25

A Public Hearing was held for the Proposed Budget for Fiscal Year 2007:

Frank Wetzel spoke about lack of readily available information for the budget and budget process.

Fred Bartel opposed the Treasurer's salary reduction.

A.L. Burge expressed concern about the Sheriff's salary increase and the Treasurer's salary reduction.

Medana Crow, County Treasurer, spoke about which Court gave her duties.

John Kight spoke about the performance of the previous Treasurer and the current Treasurer, and he said he opposed the Treasurer's salary reduction.

9:30

A Public Hearing was held for the Proposed Property Tax Increase with a proposed Tax Rate of \$0.37 per \$100.00 taxable value. No one spoke. The Judge stated that the next public hearing would be September 5, 2006 at 6:00 p.m. and that the budget vote would be September 11, 2006 at 9:20 a.m. during the regular Commissioners' Court.

THE STATE OF TEXAS 9:28

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

payment for the Justice of the Peace software as invoiced by Hill Country Software and to seek reimbursement from the Texas Department of Public Safety per an Interlocal Cooperation Contract for all of the Justices of the Peace.

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

THE STATE OF TEXAS 9:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the modification to the policy on sick leave at the time of separation or retirement effective October 1, 2006 (attachment).

Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a 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 authorize a publication of Notice of Intent to amend the rules governing plats and subdivision of land within the unincorporated area of Kendall County.

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

9:45

The County Engineer presented a summary of activities by Road and Bridge during July 2006.

THE STATE OF TEXAS 9:47

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the abandonment of a 3-foot drainage easement next to a 12-foot utility easement behind Lots 7 and 8 in Live Oaks Subdivision in Comfort. This drainage easement was rarely used in the past, and any storm water that flowed to it has been rerouted to a drainage easement on Lot 10 in this subdivision. The drainage easement is to be abandoned from Amber Street eastward for 157 feet.

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

9:50

The County Development Manager presented a summary of activities during July 2006.

THE STATE OF TEXAS 9:52

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat for Champee Springs Ranches Subdivision Tracts 7D-2A (E.J. Cop) and 7G2 (J. Stephen and Bonnie Sundby) into Tracts 7D-2A-1, 7G2-1 and correction of the cul-de-sac location in accordance with County Guidelines dated August 29, 2005.

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

9:55

No action was taken on a request for relief to minimum road frontage on Platten Creek Road per property owner's request.

THE STATE OF TEXAS 10:00

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to disapprove the request for relief to sections 202.1200.3(6), 202.1200.3(7), and 301.1250 of the County Guidelines dated August 29, 2005 for the proposed Esperanza subdivision. The three variances on the Master Plan are: all roads and streets and drainage that were not shown as required, there was no Texas Department of Public Safety (TxDot) permit provided as required, and the density did not meet the two acre requirement.

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

10:00

Commissioner Miertschin made a motion to authorize the developer, MA Boerne, Partners, LP, to negotiate with the City of Boerne for a development agreement. Motion died for lack of a second.

THE STATE OF TEXAS 10:00

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 08-28-2006 as read by the County Attorney: That the Commissioners' Court of Kendall County delegates to the City of Boerne, Texas, the authority to review any plats and master plans related to the MA Boerne Partners, LP development known as Esperanza and more particularly described in Exhibit A attached to this ORDER, pursuant to rules and regulations of the City of Boerne, pending the negotiation and execution of a Development Agreement pursuant to Chapter 212, Local Government Code between MA Boerne and the City. If a Development Agreement suitable to the City and MA Boerne cannot be concluded, then the delegation of authority would become null and void and any other development proposal for the property will require the approval of the appropriate authority under Texas law at that time.

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

PUBLIC COMMENTS:

Abel Godines spoke about the four months delay in the plat application process for the Lerin Hills Subdivision because of the Municipal Utility District (MUD). He asked the Commissioners Court and Cow Creek Groundwater Conservation District to withdraw their protest that the development will not have enough water.

10:30

Dan Rogers, Director of the Economic Development Corporation, gave an update for the last quarter.

Court recessed for a Break and then went into Executive Session.

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

THE STATE OF TEXAS 10:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Jeff Fincke, EMS Administrator, to employ a temporary full-time employee.
Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

THE STATE OF TEXAS 11:00 #4

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Development Manager and County Attorney to proceed as discussed in Executive Session to make an offer to purchase real property.
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

THE STATE OF TEXAS 11:15 #3

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the employment of the law firm Goldstein, Goldstein and Hilley to represent Judge White in her official capacity under the limitations as discussed in Executive Session.
Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

THE STATE OF TEXAS 11:15 #4

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to request from the Texas Commission on Environmental Quality (TCEQ) a public hearing in lieu of a contested hearing for the Lerin Hills Municipal Utility District (MUD) application based on the report from the engineering firm hired by Kendall County and the recommendations of the County Engineer. Motion was made by Commissioner Reissig, seconded by Commissioner Busby, and carried by a vote of 5-0.

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 25th DAY OF SEPTEMBER A.D., 2006.

ATTESTED: _____
COUNTY CLERK
KENDALL COUNTY, TEXAS

COUNTY JUDGE
KENDALL COUNTY, TEXAS