

**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 th day of February, 2007.**

**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**

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

The Court extended sympathy to Carolyn Best for the death of her mother.

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**2. THE STATE OF TEXAS**

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

**approve the Monthly Reports for January 2007 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 5-0.**

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**3. THE STATE OF TEXAS**

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

approve the Claims as submitted by the Auditor's Office.

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

**THE STATE OF TEXAS**

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

approve the corrected Claims in the amount of \$59.19 as submitted by the Auditor's Office (on file).

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

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**4. THE STATE OF TEXAS**

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

table action on the request to electronically submit employee contributions for the AUL 457 plan.

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

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**5. THE STATE OF TEXAS**

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

authorize a specialist to clean the outside of the Historic Courthouse pending consultation with the Kendall County Historical Commission.

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

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## 6. PUBLIC COMMENTS:

### REGARDING AGENDA ITEM #8:

Frank Wetzel commented on the procedures to select and the duties of a Judge Pro-Tem.

### REGARDING AGENDA ITEM #25:

Mark Mason expressed concern about the creation of a water district by an act of legislation and the impact of this development on water and traffic.

### REGARDING AGENDA ITEM #7:

Commissioner Lux expressed thanks to all the people who helped put out the fire on FM 3351.

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## 7. THE STATE OF TEXAS

**COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to leave on the burn ban which was reinstated by special court order on Friday evening, February 23, 2007 (attached).**

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

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## 8. THE STATE OF TEXAS

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

**appoint Darrel L. Lux as Judge Pro-Tem.**

Motion was made by Judge Schroeder, seconded by Commissioner Rusch, and failed by a vote of 1-2-2 with Commissioner Miertschin and Commissioner Reissig voting against and Judge Schroeder and Commissioner

**Lux abstaining.**

**THE STATE OF TEXAS**

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

**appoint Gene Miertschin as Judge Pro-Tem.**

**Motion was made by Judge Schroeder, seconded by Commissioner Reissig, and passed by a vote of 3-2 with**

**Commissioner Lux and Commissioner Rusch voting against.**

**THE STATE OF TEXAS**

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

**rescind the order appointing Gene Miertschin as Judge Pro-Tem and abide by the existing RULES OF PROCEDURE, CONDUCT AND DECORUM AT MEETINGS OF THE KENDALL COUNTY COMMISSIONERS COURT, (VI) which states that the senior member of the Commissioners' Court (in terms of total number of years as an elected representative) present at the Regular, Special, Emergency Meeting or Executive Session shall serve as the Judge Pro-Tem of the Court.**

**Motion was made by Judge Schroeder, seconded by Commissioner Rusch, and passed by a vote of 4-1 with**

**Commissioner Miertschin voting against.**

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**9. THE STATE OF TEXAS**

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

**table action naming a member of the community to represent Kendall County in the Alamo Area Council of Government (AACOG) Criminal Justice Division.**

**Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, and passed by a vote of 5-0. \_\_\_\_\_**

**10. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the bid from Broadway Bank for the General Obligation Bonds, Series 2007.

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

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**11. Four additional names were drawn for the Salary Grievance Committee: Jeffrey L. Reinhard, Darrell K. Jonas, Pat Carriker (alternate) and Max Below (alternate).**

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**12. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas to approve membership for the Kendall County Historical Commission for 2007-2008 to include current members: Odis Hohmann, Jo Ellen Biermann, Gregory James Krauter, Marilyn Vogt, Louise Homilius, Martha Klar, Theda Sueltenfuss, Georgann Dillon, Virginia Mosis, Carolyn Goodall, Dave Anderson, and Paul Barwick and nominees: June Kiphart, Lois Hauffler, Fran King, and Russell Busby (attached).

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

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**13. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas to approve the Resolutions to request and receive Victims of Crime Act (VOCA) funds and Violence Against Women Act (VAWA) funds from the Office of the Governor of the State of Texas pending any changes to the grant funds made by the State of Texas.

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

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**14. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas to table action on the Road & Bridge Public Water Well System bid.

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

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**15.A. A Public Hearing was held for the application filed by Charles and Elizabeth Daggett for the proposed plat revision of Flat Rock Acres Subdivision, Unit 2, Lot 4. No one spoke.**

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**16. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision for Flat Rock Acres Subdivision, Unit 2, Lot 4 (Charles and Elizabeth Daggett) into Lots 4A and 4B and grant relief to minimum road frontage in accordance with paragraphs 208.1200.3 and 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) with the proposed Lot 4B (10 acres) having 65 feet of fee simple access to Flat Rock Creek Road.

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

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**17. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize adding two PC tablets for EMS electronic charting along with the subsequent 1.25% increase of collection fees and approve the contract and addendum with the appropriate signature.

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

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**18. The Emergency Management Coordinator presented a demonstration of the four new hydraulic stretchers which**

**were purchased by the EMS Association (one for each ambulance) and a proposal by the EMS Association for a future purchase of a new ambulance.**

**THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the increase in cost of insurance and cost of a new radio should the EMS Association purchase a new ambulance for Kendall County in the future.

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

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**19. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize purchasing a 20-foot storage container in lieu of cots. The storage container is to be placed at the Lutheran Church in Comfort to store shelter equipment for that area.

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

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**20. The Emergency Management Coordinator reported that the Wild Land Fire Table Top Exercise went well.**

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**21. The Emergency Management Coordinator reported that the new large map and the map books have been printed.**

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**22. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the purchase and installation of an antenna at the Comfort Fire Station not to exceed \$300.00.

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

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### **23. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize a Letter of Support asking the United States Environmental Protection Agency (EPA) to provide Smart Growth Implementation Assistance to the Greater Edwards Aquifer Alliance and their stakeholders of which Kendall County is included.

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

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**24. Dan Rogers, President, Kendall County Economic Development Corporation, gave the first quarterly report.**

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**25. A presentation of the proposed Kendall County WCID #2 for Esperanza Subdivision was made by Attorney Grady**

**Jolley; Jim Baker, Chief Operating Officer/Marlin Atlantis; and Attorney Julieanne Kugle.**

**The following people spoke:**

Mark Mason expressed concern for a special water district, potential use of groundwater, increased traffic, and uncontrolled growth.

Grady Jolley said that no groundwater would be used per contractual obligation with GBRA.

Dan Rogers expressed support for the development to help absorb the projected growth of the County and the plan's inclusion of commercial development on Highway 46.

Paula Cairns expressed concern for increased traffic and the property not being annexed by the city.

John LaRoche asked for a more detailed traffic impact study.



Milburn Dearing expressed concern about runoff into Brown Creek at Highway 46 and suggested building a Post Office substation for that area.

Jim Baker said a study was in the process of being finalized and that the lakes on the plan were both surface retention and detention to relieve runoff and that a 3-5 acre municipal annex was proposed which might include a Post Office.

Fred Bartel expressed a concern about the relationship between the city and the county and about security, fire protection, and EMS .

Judge Schroeder made a motion to send a Letter of Support for the WCID #2 to the Texas State Legislature, but it died for lack of a second.

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Court recessed at 12:20 p.m. for Lunch.

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Court reconvened Open Session at 3:32 p.m.

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**26.-1. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the \$350.00 expense for a survey to estimate the 100 year base flood elevation for the James Kiehl River Bend Park by Godsey Engineering. The expense is to be paid by the Kronkosky grant fund.

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

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**26.-2. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the landscape architectural services contract with Dixie Watkins & Associates to plan, design, and oversee the construction of the James Kiehl River Bend Park for a total cost of \$33,800.00, subject to changes made by the County Attorney. The expense is to be paid by the Kronkosky grant that was awarded to the Kendall County Partnership for Parks.

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

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**27. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to extend the current Interlocal Agreement for regulation of subdivision plats in the extraterritorial jurisdiction (ETJ) of Boerne until July 1, 2007.

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

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**28. The County Attorney gave a report on the proposed new website for his office. Rudkin Productions has proposed**

**a website which will have expanded capabilities to disseminate information more quickly to County personnel.**

**It will also link back to the County's official website. The cost will be paid through the County Attorney 's**

**discretionary fund.**

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**29. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to renew the Hill Country Alternative Dispute Resolution Center (HCADRC) contract and authorize the County Judge to sign.

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

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**30. The County Engineer presented the summary of activities for Road & Bridge during January 2007.**

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31. The County Development Manager presented a summary of activities during January 2007.

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### **32. 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 on Guthrie Road in accordance with paragraph 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). This is a 4.75-acre tract being divided out of a 16.60-acre tract and being combined with the adjoining 21.38-acre tract. The remaining 11.85-acre tract will continue to have the existing 30 feet of fee simple access to Guthrie Road (Mike Arch).

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

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Court went into Executive Session at 4:28 p.m. and as a result the following motion was made:

### **I. 1. THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge, Gaylan Schroeder; Commissioner Precinct 1, Ann Reissig; and John Benedict to speak to Steve Lowe and Patrick Boyle about the duties and responsibilities of the parks and to proceed as discussed.

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

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Being no further business, the meeting was adjourned on February 26, 2007 at 4:28 p.m.

**EXAMINED AND APPROVED THIS \_ 12 th \_\_\_ DAY OF \_ \_ \_ MARCH \_ A.D., \_ 2007**  
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**ATTESTED:** \_\_\_\_\_  
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**COUNTY CLERK COUNTY JUDGE**

**KENDALL COUNTY , TEXAS KENDALL COUNTY , TEXAS**