

**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 13<sup>th</sup> day of August 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.**

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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 Minutes for the month of July 2007.

Motion was made by Commissioner Miertschin, 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 Budget Adjustments as presented by the Auditor (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 approve all of the Claims 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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5.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Financial/Investment Reports for quarter ending June 30, 2007 (attached).

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

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6.      **PUBLIC COMMENTS:**

- Jeff Fincke, EMS Coordinator, gave an update on the first safe room installed as a part of the Safe Room Rebate Program. He said there are 99 safe rooms left that can be installed.
- Richard Haas spoke about the lack of a recycling facility or program in Kendall County and asked the Court to consider one for county residents.

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7.      **No action was taken on reinstating the burn ban.**

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**8. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the CERTIFICATION OF 2007 APPRAISAL ROLL FOR KENDALL COUNTY as submitted by the Kendall Appraisal District (attached).

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

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**9. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to place a proposal to adopt a tax rate of \$0.37 per \$100.00 value on the agenda of a future meeting as an action item. The current tax rate is \$0.37 per \$100.00 value.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0 with all members of the Court voting in favor—Judge Schroeder, Commissioner Reissig, Commissioner Miertschin, Commissioner Lux, and Commissioner Rusch.

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**9. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to schedule two public hearings on the proposed tax rate and increase. The first public hearing will be at 9:20 a.m. on August 27, 2007, and the second public hearing will be at 7:00 p.m. on August 30, 2007.

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

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**10. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the lease agreement between Kendall County and the Kendall County Women's Center 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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**11. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge to sign the APPROVAL OF HIGHEST ELECTED OFFICIAL OF KENDALL COUNTY, TEXAS document for the archdiocese of San Antonio concerning the Family Life Center for St. Peter's the Apostle Catholic Church (attached).

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

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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 the reissuance of Harris County Health Facilities Development Corporation Revenue Bonds (Christus Health) Series 2005A-5 and Series 2005A-6 to finance the cost of the health facilities for Christus Health to be located in Kendall County and authorize the County Judge to sign (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 locating the pavilion at Joshua Springs Park and Preserve in the general area of the Ragsdale Road intersection with the entrance road.

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and failed by a vote of 2-3 with Judge Schroeder, Commissioner Lux, and Commissioner Rusch voting against.

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**14. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney to enter into negotiations with Dahill for a color copier for the 3<sup>rd</sup> floor of the courthouse.

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

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**15. Commissioner Reissig spoke about starting another recycling program for Kendall County despite the fact that it was not successful in the past. She pointed out that it has been a success in the City of Boerne. Commissioner Lux said he had been in contact with a representative from Blanco County about their recycling program and that they have received most of their equipment through grants. Commissioner Lux agreed to pursue getting the representative from Blanco County to give a presentation to the court in the future.**

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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 the purchase of 50 children's bicycle helmets from the Texas Medical Association.

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

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**18. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the low bids from the highlighted appropriate vendors as submitted for Road & Bridge material for fiscal year 2008 (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 approve overtime pay to Road & Bridge employees for emergency response due to inclement weather.

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

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**16. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Cow Creek Groundwater Conservation District to use the Kendall County Plat Viewer Software.

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

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20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the transfer of \$5,000.00 from line item 10.408.571, Vehicle Purchase, to 10.408.330, Fuel and Oil. Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

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21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the transfer of \$160.00 from line item 10.402.571, Vehicle Purchase, to 10.402.330, Fuel and Oil. Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.

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22. The request to rename Howle Lane to Connally Way was tabled until after Executive Session.

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23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from the Regulations, Rules and Specifications for Roads and Subdivisions, 1990 (Revised-December 1994) for Cordillera Ranch Subdivision, Unit 207, to:

- 1) locate utilities in a utility easement adjacent to the right-of-way (ROW) instead of in the ROW per subsection 302.25,
- 2) use a prime coat beneath a 1½-inch HMA pavement in lieu of a one-course surface treatment per subsection 404.10,
- 3) use a 29-foot pavement width excluding curbs for Clubs Drive in lieu of 36 feet as required by subsection 302.21
- 4) use a 50-foot ROW and 21-foot pavement width excluding curbs for all roads except Clubs Drive in lieu of a 60-foot ROW and 36 feet of pavement respectively as required by subsection 302.21
- 5) allow a culvert headwall width on each side of the culvert to be the culvert diameter divided by 2 with a 2-foot minimum in lieu of a 5-foot width required by subsection 406.12.

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

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24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Conceptual Master Plan for James Kiehl River Bend Park as prepared by Dixie Watkins, Landscape Architects.

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

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25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amending plat and grant relief for minimum lot size for the Crossing Subdivision, Mountain Creek Section, Lots 58 and 59 into Lot 58A (Charles and Phoebe Ruehl) in accordance with paragraphs 208.1200.4 and 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006).

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

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26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amending plat and grant relief for minimum lot size for Waring, Block 8, Lots 2, 3, and 6 and incorporate parts of platted but undeveloped adjoining alleys into Lot 2A (Charles Cotrell) in accordance with paragraphs 208.1200.4 and 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006).

Motion was made by Commissioner Rusch, seconded by Commissioner Lux, 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 grant relief to minimum road frontage, minimum lot size, and platting requirements on State Highway 46 East in accordance with paragraphs 101.1000 and 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) for a 0.29-acre tract that is being divided out of a 4.996-acre tract (Tommy Stewart) and that is to be combined with the adjoining 7.287-acre tract (Larry Maenius) and a 0.29-acre tract that is being divided out of a 7.287-acre tract and that is to be combined with a 4.996-acre tract. The affidavit of land location and the deed for each of the two small tracts of land are to carry the following note: This tract of land cannot be conveyed separately from the adjoining and commonly owned tract without approval by Commissioners Court of Kendall County, Texas.

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

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28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum lot size and platting requirements on Scheele Road in accordance with paragraphs 101.1000 and 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) for a 2.41-acre tract and a 1.863-acre tract that are being divided out of a 52-acre tract (James Schmidt) and that are to be combined with the adjoining 23-acre tract (Kirk Rentz). The affidavit of land location and the deed for each of the two small tracts of land are to carry the following note: This tract of land cannot be conveyed separately from the adjoining and commonly owned tract without approval by Commissioners Court of Kendall County, Texas.

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

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**29. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat for C.O.I. Subdivision in accordance with paragraphs 200, 203, and 301 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006).

Motion was made by Commissioner Reissig, seconded by Commissioner Lux, and carried by a vote of 4-1 with Commissioner Miertschin voting against.

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**30. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amending plat for Vista Real Subdivision, Vista Real Avenue, road segments B and C into road segments B1, B2, C1, and C2 in accordance with paragraph 208.1200.4 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006).

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

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**31. 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 and platting requirements on FM 474 for the purpose of dividing 17.7 acres into two tracts: 9.3 acres with 65 feet of road frontage and 8.4 acres with 164 feet of frontage. The two tracts will share a driveway as approved by the Texas Department of Transportation (TxDOT).

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

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**Court recessed Open Session at 11:08 a.m.**

**Court went into Executive Session at 11:25 a.m.**

**Court closed Executive Session and reconvened Open Session at 4:15 p.m. where the following motions were made:**

**32. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the County Road Map as posted with the clerical corrections recommended by the Road & Bridge Department in accordance with the determinations of the Jury of View that Kendall County does not have a valid claim in the existence of a public interest in portions of Brandt Road, Upper Cibolo Creek Road, and Walnut Grove Road as per JURY FINDING for each road (attached).

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

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**33. No action was taken to rename the abandoned part of Walnut Grove Road and to determine which Precincts are involved.**

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22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Engineer to publish notice for public hearings for road name changes.

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

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I-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Abasolo Archeological Consultants to conduct an archeological survey of Joshua Springs Park and Preserve.

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

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I-4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney and the County Development Manager to proceed as discussed in Executive Session concerning the purchase of real property.

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 at 4:54 p.m.

EXAMINED AND APPROVED THIS 10<sup>th</sup> DAY OF SEPTEMBER A.D., 2007.

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

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COUNTY JUDGE  
KENDALL COUNTY, TEXAS