

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 27th 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

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

2. **Corporal Robert Garcia, Sheriff's Department, was presented with a five-year Service Award.**

3. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Monthly Reports for July 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.

4. **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 Miertschin, and carried by a vote of 5-0.

5. **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.

6. **PUBLIC COMMENTS:**

- **Dave White asked how Upper Cibolo Creek Road became a class 2 road since all of the road does not meet the statute for a class 2 road, and what would the landowners need to do to get the two bridges between the 3½-mile and 4-mile markers upgraded from low-water crossings to class 2 standards.**
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7. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the County Judge as the representative for the Court to request disaster relief for the recent flooding from the Governor of the State of Texas.**

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

8. No action was taken on reinstating the burn ban.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize transferring \$915.84 from 10.540.574 to 10.540.330.

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

9. Dean Danos, Deputy Director with Alamo Area Council of Governments (AACOG), gave a presentation on the Alamo Regional Transit (ART) System and he said that for ART to have a presence in Kendall County, space would be needed to house the vehicles and the drivers.

The following people spoke:

- Chris Miller, CareChoice Nursing Center Administrator, said the program would be beneficial for the residents of his facility in terms of cost and availability
 - Roy Brown spoke in favor of the program as an affordable option for the elderly and students
 - Delores Houser said she was pleased with the system when she used ART in the past and expressed concern about lack of response to want ads for drivers
 - Dub Smothers encouraged Kendall County residents to visit the AACOG website to be informed of all the benefits that are available to the public
 - Medana Crow spoke in favor of ART returning to Boerne
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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the new ambulance from the Boerne EMS Association.

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

Court recessed Open Session at 10:00 a.m. to preview the new ambulance.

Court reconvened Open Session at 10:13 a.m.

11. Consideration and action on allowing the Historic Courtroom to be available for various community programs was tabled.

12. A Public Hearing was held for the proposed property tax increase with a proposed tax rate of \$0.37 per \$100.00 taxable value. The following people spoke:

- Frank Wetzel asked for clarification on the process and procedure used in developing the tax rate.
 - The Judge said the next public hearing would be August 30, 2007 at 7:00 p.m.
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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to schedule the vote on the tax rate for fiscal year 2008 for Monday, September 10, 2007 at 9:20 a.m. at the Historic Courthouse.

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

13. A Public Hearing was held for the proposed budget for fiscal year 2008. No one spoke.

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to name Ann Reissig, Commissioner, Precinct 1, as the alternate to attend the Alamo Area Council of Governments (AACOG) meetings.

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

15. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the interlocal agreement between Kendall County and the City of Boerne for detention services effective October 1, 2007, and authorize the County Judge to sign.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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15. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the interlocal agreement between Kendall County and the City of Fair Oaks Ranch for detention services effective October 1, 2007, and authorize the County Judge to sign.
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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16. **Consideration and action to renew the contract with the Kendall Appraisal District for Assessment and Collection Services was tabled.**
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17. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request by the Road & Bridge department for compensation for emergency response time from August 16, 2007 to August 19, 2007 due to inclement weather.
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 rescind the order passed at the Commissioners' Court Regular Meeting held August 14, 2007 that accepted all material bids for Road & Bridge.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 and best bid for all materials for Road & Bridge for fiscal year 2008.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 maximum donated sick leave plus accrued sick leave to not exceed 200 hours for any employee and no more additional sick leave can be donated to that employee unless approved by the court.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.
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21. **Consideration and action concerning the Family Medical Leave Act (FMLA) was tabled.**
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22. **The County Engineer presented the summary of activities for Road & Bridge during July 2007.**
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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 Family Medical Leave Act (FMLA) to begin after 200 hours of compensated time or when the employee's leave bank is expired if sooner.

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

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request to close the Solid Waste Station and the Brush Site at noon on Saturday, September 22, 2007, and post notice thereof.

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

24. The County Development Manager presented the summary of activities during July 2007.

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table action on the Final Plat for Double Acorn Subdivision awaiting new plat with a note of restriction that no water well can be drilled on Lot 2 unless approved by Cow Creek Groundwater Conservation District.

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

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to the 50' minimum building setback to 10' setback on all sides of Comfort Outlot 30B on Highway 87 in accordance with paragraph 305.1100 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.

Court recessed at 12:10 p.m. for lunch and upon return at 1:45 p.m. went into Executive Session.

Court closed Executive Session at 5:12 p.m. and went into Open Session where the following motion was made:

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 Miertschin, and carried by a vote of 5-0.

Being no further business, the meeting was adjourned at 5:15 p.m.

EXAMINED AND APPROVED THIS 10th DAY OF SEPTEMBER A.D., 2007.

ATTESTED: COUNTY CLERK KENDALL COUNTY, TEXAS

COUNTY JUDGE KENDALL COUNTY, TEXAS