

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 22nd day of October 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. **Five-year Service Awards were presented to: Jody Pereda, Juvenile Probation; Jean Maxwell, Road & Bridge; Don Evans, Road & Bridge; Kenneth Oaster, Road & Bridge; and Sharon Barter, Auditor's Office. Ten-year Service Awards were presented to: Rob Cook, EMS, and LeAnn Pyles, Sheriff's Department.**
Robert Heffner, Road & Bridge, was recognized for his volunteer efforts in cleaning up flood debris in Comfort.

3. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for October 9, 2007.
Motion was made by Commissioner Reissig, seconded by Commissioner Lux, 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 Monthly Reports for September 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.

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

6. **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 September 30, 2007.
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.

7. **PUBLIC COMMENTS:**

- **Mike Luckey spoke against limiting the scope of the Economic Development Corporation to only non-residential work as a requirement for receiving funds from the county (Agenda Item #35).**
- **Ed Clouse expressed concern about the Notice of Intention posted at the Courthouse by R. Yates Properties II, Ltd. regarding proposed changes to Upper Cibolo Creek Road and the validity of the decision by the Jury of View for Upper Cibolo Creek Road.**

8. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reinstate the burn ban.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 authorize the purchase of a new 2008 Dodge ambulance from Frazer Ambulance Inc. for EMS.
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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10. A Public Hearing was held for the application filed by Larry Handley for the proposed plat revision for Coveney Ranch Subdivision, Unit 2B, Block 6, Lot 1A. No one spoke.
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11. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision for Coveney Ranch Subdivision, Unit 2B, Block 6, Lot 1A into Lot 1A-1 and Lot 1A-2.
Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, and carried by a vote of 5-0.
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12. A Public Hearing was held for the application filed by Edward A. and Patricia Ashley for the proposed plat revision for Skyland Ranch Estates Subdivision, Lot 3B.
 - Elaine Sullivan asked for clarification of the owner's intent.
 - James Schwarz, Schwarz Engineering, explained the revision.
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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 Plat Revision for Skyland Ranch Estates Subdivision, Lot 3B into Lot 3B-1 and Lot 3B-2 in accordance with paragraph 208.1200.3 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 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 approve the interlocal agreement for EMS services with the City of Kerrville, Kerr County, 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 authorize the Emergency Management Coordinator to proceed with the Hazard Mitigation Grant Program for Tropical Storm Erin DR-1730.
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 approve the Resolution for the Indigent Defense Grant Program 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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17. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table action adopting an Order to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253, pending discussions with the other taxing authorities in Kendall County.
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.
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18. Carolyn Stauss, Rainbow Senior Center representative, introduced Susan Allen, the newly elected president of the Board of Directors for the Center and Chairman of the Building Committee, and gave an update on the Center's programs, progress, and planned growth.
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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 the storage of the records in the Historic Courthouse to be housed in a third-floor conference room and/or the second-floor law library in the new courthouse during the potential renovation of the Historic Courthouse.
Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.
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20. Consideration and action to allow the use of the Historic Courtroom for meetings by K'Star was tabled pending the signing of a written agreement between K'Star and Kendall County.
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21. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reappoint Justice of the Peace, Precinct 1, Larry James, as the representative from Kendall County to the Alamo Area Council of Governments (AACOG) Criminal Justice Advisory Committee.
Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 5-0.
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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 revitalization of the county website through collaboration between Kendall County and Digett Interactive Media.
Motion was made by Commissioner Miertschin, 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 Commissioner Gene Miertschin, Precinct 2, to take the county laptop computer out of state in order to post the November 12, 2007, Commissioners' Court Agenda.
Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 Policy Manual Review Process as submitted with the addition of the Human Resources Manager to the first process block titled, "Review, Revise, Correct."

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

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve overtime pay for Road & Bridge for emergency response during October 2007.

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

26. The County Engineer presented the summary of activities for Road & Bridge during September 2007.

27. The County Development Manager presented the summary of activities during September 2007.

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the renewal Letter of Credit in the amount of \$600,000.00 for a period of six months for subdivision improvements for Estancia at Thunder Valley Subdivision effective October 12, 2007, in accordance with Section 204 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). This third renewal Letter of Credit will expire on May 3, 2008.

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

29. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat Revision for Skyview Acres Subdivision, Unit 3, Lots 51A and 51B into Lot 51A-1 and Lot 51B-1 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 Reissig, seconded by Commissioner Lux, and carried by a vote of 5-0.

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 River Mountain Ranch Subdivision, Section 2, Lots 534 and 535 into Lot 534A 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 Miertschin, seconded by Commissioner Lux, and carried by a vote of 5-0.

31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the publication of a Public Notice for a Public Hearing to be held at 9:15 a.m. on November 26, 2007, regarding the renaming of two roads and the installation of Stop signs at the following intersections: Hein at Waring, East Street at North Street, Alamo at Old No. 9, Birch at Alamo, Apache at Alamo, Deer Road at Alamo, Ancient Coast at Deer Road, Walnut Road at Deer Road, Spring Road at Deer Road, Ulmus at Alamo, Spring Road at Alamo, and Hope Road at Alamo.

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

32. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize minor repairs to the dump truck to be used at Joshua Springs Park and Preserve.

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

33. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the use of the county administrative car by Constable, Precinct 4, until his car is repaired or replaced.

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

Court closed Open Session at 11:15 a.m., went into Executive Session, closed Executive Session, and at 11:17 a.m. went into Open Session.

PUBLIC COMMENTS were heard regarding Agenda Items #34 and #35:

- Karen Wetzel expressed concern that the Economic Development Corporation (EDC) was not using funds as expected and that those funds could be better spent on repairing roads.
 - Jim McCormick expressed concern about the scope of the role of the EDC.
 - Steve Mack, Chairman of the EDC, talked about the agreement between the EDC and Kendall County and spoke in favor of the EDC having a voice in residential needs.
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Court closed Open Session at 11:35 a.m. and after a break went into Executive Session.

Court closed Executive Session and went back into Open Session where the following motions were made:

34. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney to draw up an interlocal agreement with the Economic Development Corporation (EDC) for the court's consideration.

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

35. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve that the funds allocated to the Economic Development Corporation (EDC) will not be disbursed until the interlocal agreement is approved by the court.

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

PUBLIC COMMENTS were heard regarding Agenda Item #36:

- Rod Fowler asked the court to adopt the study created by the Thoroughfare Planning Citizens Committee (TPCC) rather than creating other committees, but if one has been created then he would want one of the members of the TPCC to be on the new committee.
- County Engineer, Terry Anderson, who is Chairman of the new committee called the Thoroughfare Planning Group (TPG), said the purpose is to create a plan with specific priorities for all county roads.

36. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow Terry Anderson, Chairman of the Thoroughfare Planning Group, to name a member of the Thoroughfare Planning Citizens Committee (TPCC) to act as liaison between the two groups.

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

Court recessed Open Session at 4:05 p.m. and will resume on Tuesday, October 23, 2007 at 3:00 p.m.

Court resumed Open Session on October 23, 2007 at 3:00 p.m.

I.4. Two tickets and one parking pass for the October 30, 2007 Spurs game were given to the county. A drawing was held and Michael A. Wallendorf's name was drawn as the winner.

Court closed Open Session at 3:02 p.m. and went into Executive Session where no motions were made

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 12th DAY OF NOVEMBER A.D., 2007.

ATTESTED: _____
COUNTY CLERK
KENDALL COUNTY, TEXAS

COUNTY JUDGE
KENDALL COUNTY, TEXAS