

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 Courthouse in Boerne, Texas, on the 23rd day of May 2011.

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 at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.

2. A Service Award for 25 years of service was presented to Marybeth Booth, AgriLife Extension Office.

3. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for May 9, 2011.

Motion was made by Commissioner Reissig, seconded by Commissioner Miertschin, 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 April 2011 (on file).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 the Budget Adjustments as submitted (attached).

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 Claims as submitted (on file).

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

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize moving the records from the Commissary back to the Historic Courthouse vault.

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

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2012 Fiscal Year Budget Calendar.

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

9. PUBLIC COMMENTS: Commissioner Lux gave an update on the Recycling Center.

10. No action was taken on lifting the burn ban. It is still on.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim May 2011 as Community Action Month (attached).

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

12. A Public Hearing was held regarding petitions by property owners on Upper Cibolo Creek Road to change the status of part of the road from a privately maintained public road to a County-maintained road. The following people spoke: Robert Kelly, David Pipes, Mike Lopez, Charles Butcher, Brian Enloe, Robert LePere, David White, Scott Kehoe, Tana Kehoe, Ed Clouse, Geri Clouse, Jed Maebuis, and Gary Poenisch.

At 10:10 a.m. the Court recessed for Executive Session pursuant to Section 551.071 to seek the advice of the County Attorney and/or attorney(s) representing the County, concerning pending and/or threatened litigation and/or matters in which the duties of the attorney(s) under the Texas Rules of Professional Conduct of the State Bar of Texas require confidential communications, specifically County authority concerning subdivisions and county roads and bridges.

At 10:35 a.m. the Court closed Executive Session.

At 10:38 a.m. the Court went back into Open Session.

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to favorably consider the petitions filed by the landowners on Upper Cibolo Creek Road and change the status of part of the Upper Cibolo Creek Road from a privately maintained public road to a 3rd class County road from the point where Kendall County maintenance ends at the property line of Tanita Faye White Kehoe and continuing to the termination of the roadway at a gate on the property of SST Brown Family Partnership, Ltd. and accepting an easement from the Brown Ranch and possibly from the Upper Cibolo Creek LLC for a cul-de-sac turnaround at the road's end for safety reasons.

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

14. Commissioner Lux reported on the recent meeting for the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP).
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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 Resolution 05-23-2011A pertaining to guidelines and criteria for tax abatements (attached).

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

16. The Road Superintendent presented a summary of activities for Road & Bridge during April 2011 (attached).
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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 Amending Plat for Ranger Creek Subdivision, Unit 3D, to relocate lot lines between Lot 1A and Kendall County Utility Company, Inc. public water supply well No. 4.

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

18. The County Development Manager presented a summary of activities for April 2011.
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19. The Parks Department Director presented a summary of activities for April 2011.

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 05-23-2011B pertaining to canvassing of votes for the May 14, 2011 bond election (attached). Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

21. Duane Westerman with SAMCO Capital Markets, Inc. presented information to the Court regarding the issuance of bonds.

At 11:35 a.m. the Court closed Open Session and went into Executive Session pursuant to:

- I. Section 551.072 to deliberate the purchase, exchange or value of real property
- II. Section 551.071 to seek the advice of the County Attorney and/or attorney(s) representing the County, concerning pending and/or threatened litigation and/or matters in which the duties of the attorney(s) under the Texas Rules of Professional Conduct of the State Bar of Texas require confidential communications. Specific topics to be discussed are as follow:
 - 1. County authority concerning subdivisions and county roads and bridges
 - 2. EEOC complaints: Brenda Bell, David Cheney, Angela San Miguel
 - 3. William E. Hooks, Jr. and Rebecca G. Hooks vs. Kendall County
- III. Section 551.074 to deliberate the duties and responsibilities of the County Treasurer

At 12:15 p.m. the Court closed Executive Session and went into Open Session and being no further business, Court was adjourned at 12:16 p.m.

EXAMINED AND APPROVED THIS 13th DAY OF JUNE A.D., 2011.

ATTESTED: *Darlene Herrin*
COUNTY CLERK
KENDALL COUNTY, TEXAS

Raymond Schuch
COUNTY JUDGE
KENDALL COUNTY, TEXAS