

**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 12th day of May 2014.

**Present:**            **DARREL L. LUX, COUNTY JUDGE**  
                         **MIKE FINCKE, COMMISSIONER, PCT. #1**  
                         **GENE MIERTSCHIN, COMMISSIONER, PCT. #2**  
                         **RICHARD J. CHAPMAN, COMMISSIONER, PCT. #3**  
                         **KENNETH M. RUSCH, COMMISSIONER, PCT. #4**  
                         **SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT**

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1.      The meeting was called to order at 9:00 a.m. with the Pledges 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 April 28, 2014.

Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, 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 fiscal year 2014 budget adjustments (attached).

Motion was made by Commissioner Fincke, seconded by Commissioner Rusch, 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 the claims for purchases, services and vendors as submitted (on file).

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

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5.      The County Treasurer presented the April Sales Tax Report.

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6.      **THE STATE OF TEXAS**

**COUNTY OF KENDALL**      It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Balance Summaries for February and March 2014 as submitted (attached).

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

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7. The 6th Annual Weight Loss Challenge Winners certificates were awarded as follows: Rusty Cass, John Jenkins, Nicole Bishop, and Sylvia Zapata. The winners of the drawings were Cindy Silva and Harriet Seidensticker.

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8. Theda Sueltenfuss, Chairwoman of the Kendall County Historical Commission, updated the Court on the activities of the Commission, including presentations of the Texas Treasure Business Awards, historical markers, and the commemoration activities planned for the Battle of Walker's Creek on June 8, 2014.

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9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the application for the State Criminal Alien Assistance Program Grant.

Motion was made by Commissioner Fincke, seconded by Commissioner Chapman, 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 grant permission to the County Treasurer to use the Commissioners' Courtroom on June 18th from 10 a.m. until 5 p.m. to hold an Unclaimed Property event.

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

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11. PUBLIC COMMENTS:

- Jeff Fincke, EMS Coordinator, gave an update on the i-Info event he attended with Mike Howle, GIS Specialist.
  - Micah Morgan, volunteer with the Kendall County Fair Association, spoke about four noise citations given at the Kendall County Fairgrounds during a recent event that included music provided by a band.
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12. No action was taken on lifting the burn ban. It is still in effect.

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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim May 18-24, 2014 as Emergency Medical Service Week (attached).

Motion was made by Judge Lux, seconded by Commissioner Rusch, 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 proclaim the month of May as Community Action Month (attached).

Motion was made by Judge Lux, seconded by Commissioner Fincke, 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 payment for Emergency Call Out for Road & Bridge.

Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, 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 construction of Bella Collina in Cordillera Ranch Subdivision DiLusso Site 2 and release the Letters of Credit in the amounts of \$174,110.00 for streets and drainage and \$97,085.00 for water and wastewater improvements (Road History Form attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, 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 approve adjacent county hotel expenses for the County Engineer to attend a Professional Engineer Annual Meeting.

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

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(The following people spoke regarding the contested portion of Upper Cibolo Creek Road: Rodney Yates, Dave White, Geri Clouse, Steve Clouse, Matt Kruzic, and Tana Kehoe)

18-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to direct the County Surveyor to conduct a survey of the portion of Upper Cibolo Creek Road which is adjacent to the property of Tana Kehoe. The purpose of this survey will be to determine the centerline of the causeway by that portion of the Upper Cibolo Creek Road and using the centerline as a reference to locate and mark a 40-foot right-of-way for the road.

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

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18-2. THE STATE OF TEXAS

COUNTY OF KENDALL            It is ordered by the Commissioners' Court of Kendall County, Texas, to direct the Kendall County Road & Bridge Department to remove any obstructions located within the 40-foot right-of-way which has been surveyed and marked by the County Surveyor in that portion of the Upper Cibolo Creek Road which is adjacent to the property of Tana Kehoe.

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

At 10:27 a.m. the Court closed Open Session, took a break and at 10:37 a.m. went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- I. 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, settlement offers 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:
  1. County authority and obligations concerning subdivisions, County roads and bridges
  2. Guy James Gray vs. Kendall County
  3. Encroachments on Upper Cibolo Creek Road
- II. Pursuant to Section 551.072 to deliberate the purchase, exchange, lease or value of real property.  
(Note: Deliberations in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)
  1. Right-of-way / easements for the Herff Road Project
- III. Pursuant to Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee:
  1. Duties and responsibilities of the County Treasurer's Office
- IV. Pursuant to Section 551.076 for deliberations regarding security devices or security audits.

At 12:07 p.m. the Court closed Executive Session and at 12:10 the Court resumed Open Session.  
Commissioner Miertschin was absent.  
Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 27th DAY OF May A.D., 2014

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

*D. S. L.*  
COUNTY JUDGE  
KENDALL COUNTY, TEXAS