

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 September 2016.

Present: DARREL L. LUX, COUNTY JUDGE
 MIKE FINCKE, COMMISSIONER, PCT. #1
 RICHARD W. ELKINS, COMMISSIONER, PCT. #2
 TOMMY PFEIFFER, COMMISSIONER, PCT. #3
 CHAD CARPENTER, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT

1. The meeting was called to order at 9:00 a.m.
 Prayer said by Pastor Michael Beck, Grace Bible Church
 Pledges of Allegiance to the United States and Texas flags.
 Judge Lux said that Bill Terry of the Comfort News passed away Saturday, September 3rd.

2. THE STATE OF TEXAS

 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for August 22 & 26, 2016 and September 1 & 6, 2016.

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

3. THE STATE OF TEXAS

 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim the month of September as Hunger Action Month in Kendall County (attached).

 Motion was made by Judge Lux, seconded by Commissioner Carpenter, 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 FY2016 Budget Adjustments (attached).

 Motion was made by Commissioner Fincke, seconded by Commissioner Elkins, 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 accounts payable claims for purchases, services and vendors (on file).

 Motion was made by Commissioner Fincke, seconded by Commissioner Elkins, 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 Joint Election Agreement for the November 8, 2016 General Election.

 Motion was made by Commissioner Elkins, seconded by Commissioner Pfeiffer, 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 approve the Investment Policy for 2016 (Kendall County Order No. 09-12-2016A attached).

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

8. The County Treasurer presented the Sales Tax Report.
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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 request by the Comfort Athletic Booster Club to use Faltin Field in Comfort for the annual Homecoming bonfire on Wednesday, September 21, 2016.

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

10. No action was taken on reinstating the burn ban. It is still off.
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11. PUBLIC COMMENTS:

- Robert Long commented on access to the river in certain areas.
 - Dr. Bob Young, President of the Comfort Area Foundation, spoke about the Foundation and the inclusion of the intersection of IH-10 and Highway 87 in Comfort to the ARRPO top list of projects.
 - Kurt Solis, Chairman of the Comfort Chamber of Commerce, spoke about the Chamber, the Comfort area, and the IH-10 and Highway 87 project.
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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to set the Sheriff and Constable Fees for 2017 as submitted.

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

(Agenda item #13 was addressed after the following agenda item)

19. 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 required forms for execution of an Emergency Watershed Protection grant through NRCS for damage resulting from the May 2015 flood.

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

13. (9:30 a.m.) A Public Hearing was held regarding the proposed order regulating vehicular traffic on the following county roads: Precinct 2--Add stop signs on Joe Klar Road, both directions, at the intersection with Coveney Trail; Precinct 3--Change the existing No Parking Zone on Edge Falls Road at Curry Creek to a No Parking Tow Away Zone; Precinct 4--Crosswalk across Alamo Road, 89 feet from Old No. 9 Hwy; No Parking Zones on Alamo Road (1) 89 feet from Old No. 9 Hwy extending 486 feet east on the south side of the road and (2) 89 feet from Old No. 9 Hwy, extending 546 feet east on the north side of the road; and No Parking Zone, 435 feet on both sides of Old No. 9 Highway, from the intersection of Alamo Road South and from the intersection of Alamo Road North: No one spoke.
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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Kendall County Order No. 09-12-2016B pursuant to Transportation Code Section 251.151 for the purpose of regulating vehicular traffic on County roads (attached).

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

(Agenda item #15 - #18 were addressed later in the meeting)

(Agenda item #19 was addressed earlier in the meeting)

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat creating Outlot 59A and Outlot 76A, Town of Comfort, Kendall County, Texas, in accordance to Section 209 of the Kendall County Development Rules and Regulations for the purpose of relocating a common lot line between the two tracts (Karen F. Driskill).

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

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Lots 50A and 50B, Block 1, and a portion of Lot 1001, Block 2, known as Camino Del Reserve North, The Reserve at Falling Water, Kendall County, Texas, creating Lots 50A-1 and 50B-1 in accordance to Section 209 of the Kendall County Development Rules and Regulations for the purpose of relocating lot lines (Calvin & Cathy Bench, Cabazon Holdings LLC).

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

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Lot 1A-1, Lot 2A and Lot 34, Kendall Woods Estates, Unit 2, creating Lots 2A-1 and 34A (Claude H. & Linda S. Flick).

Motion was made by Commissioner Pfeiffer, seconded by Commissioner Carpenter, 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 Amending Plat of Lot 13 and part of Lot 14, Kendall Ranch Estates, Kendall County, Texas, in accordance to Section 209 of the Kendall County Development Rules and Regulations creating Lots 13A and 14A for the purpose of relocating a common lot line (Mira A. Jubela, Lora Beth Escalante).

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

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the INTERLOCAL AGREEMENT FOR THE PAYMENT OF FUNDS FOR THE HIGHWAY 46 EAST FROM HERFF ROAD TO AMMANN ROAD IMPROVEMENT PROJECT.

Motion was made by Commissioner Elkins, seconded by Commissioner Fincke, 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 renew the lease agreement with Cow Creek Groundwater Conservation District.

Motion was made by Commissioner Elkins, seconded by Commissioner Pfeiffer, 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 approve the construction materials testing proposal from Rock Engineering for the EMS facility.

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

(Agenda item #27 was addressed later in the meeting)

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to request extending the Interlocal Government Agreement between Kendall County and the City of Boerne to share facilities during construction of the EMS facility.

Motion was made by Commissioner Carpenter, seconded by Judge Lux, 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 paying an Operations employee for Emergency Call Out time.

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

(The following agenda items #15 and #16 were addressed out of sequence)

15. (9:45 a.m.) A Public Hearing was held regarding the Fiscal Year 2017 proposed budget: No one spoke.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Fiscal Year 2017 Budget with changes as provided.

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

Record vote: Judge Darrel L. Lux voted aye, Commissioner Mike Fincke voted aye, Commissioner Richard W.

Elkins voted aye, Commissioner Tommy Pfeiffer voted aye, and Commissioner Chad Carpenter voted aye.

(The following agenda item #27 was addressed out of sequence)

27. David Goetz, MJ Boyle Vice-President, presented information on the EMS facility Guaranteed Maximum Price.

(The following agenda items #17 and #18 were addressed out of sequence)

17. (10:08 a.m.)
THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that the property tax rate be increased by the adoption of a tax rate of \$.4127 per \$100.00 taxable value which is effectively an 8.22 percent increase in the tax rate. The Debt Service Rate is \$.066213 and the Maintenance and Operations Rate is \$.346487, both rates are per \$100.00 of taxable value.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.18 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY 53 CENTS.

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

Record vote: Judge Darrel L. Lux voted aye, Commissioner Mike Fincke voted aye, Commissioner Richard W. Elkins voted aye, Commissioner Tommy Pfeiffer voted aye, and Commissioner Chad Carpenter voted aye.

KENDALL COUNTY, TEXAS, ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

18. THE STATE OF TEXAS

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to approve taxpayer discounts for early payment of property taxes at 3% if paid in October, 2% if paid in November, and 1% if paid in December.

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

At 10:11 a.m. the Court closed Open Session, took a break and 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 property, roads and bridges
 2. Five Oaks Holding LLC D/B/A Bella Springs Special Events Venue, Plaintiffs vs. B. Scott Kehoe and Tanita F. White Kehoe, Defendants
 3. Richard Wagner, Beverly Wagner, Steven Clouse, Gerardine Clouse, Jeff Jureczki, Tiffany Jureczki, Robert C. Chambers, Rena M. Chambers, Sandra Glomski, Jeff Dunklin and Karen Brickey, Plaintiffs vs. Thomas David White, Jennifer White, Tanita Faye Kehoe and Scott Kehoe, Defendants
- II. 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 Attorney
 2. Duties and responsibilities of the Parks Manager
 3. Duties and responsibilities of the Fire Marshal and Assistant Fire Marshal
 4. Duties and responsibilities of the EMS Department

At 12:07 p.m. the Court closed Executive Session, resumed Open Session and being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 26th DAY OF SEPTEMBER 2016.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS