

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 24th day of August 2015.

Present: DARREL L. LUX, COUNTY JUDGE
 MIKE FINCKE, COMMISSIONER, PCT. #1
 RICHARD W. ELKINS, COMMISSIONER, PCT. #2
 TOMMY PFEIFFER, COMMISSIONER, PCT. #3
 ROYCE STEUBING, 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 Commissioner Royce Steubing.

Pledges of Allegiance to the United States and Texas flags.

Judge Lux said that on Friday he signed the Order for the incorporation of Comfort, Texas, to be on the ballot in November. He read the following statement: Based on the application and information presented to me, I have determined that it is my mandatory duty and responsibility to order an election to be held on November 3, 2015 for the purpose of confirming or denying the creation of the City of Comfort. By placing this item on the ballot it does not represent my personal preference to incorporate or not. An election will offer the opportunity for the residents of Comfort to decide.

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 10 and 17, 2015.

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

3. The following Service Award was presented:

- 5 years of service: Teresa McDaniel, District Clerk's Office
- 5 years of service: Rebecca Wilson, EMS

4. Introductions / Recognitions: None

5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments for fiscal year 2015 (attached).

Motion was made by Commissioner Fincke, seconded by Commissioner Pfeiffer, 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 Monthly Reports for July 2015 (on file).

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

Motion was made by Commissioner Steubing, seconded by Commissioner Fincke, and carried by a vote of 5-0 with Commissioner Elkins abstaining from any matters related to GVTC.

(The following person made public comment during agenda item #8: John Kight)

8. The County Auditor clarified the distribution of the \$800,000 for the Kendall County Youth Agriculture and Equestrian Center (YAEC) that was approved on August 10th giving the timeline of information and the requirements of accounting rules for fiscal year distributions, saying that the YAEC estimated spending \$372,669 of the \$800,000 in fiscal year 2014-2015 and \$427,331 in the fiscal year 2015-2016 and that if the \$372,669 was not spent in fiscal year 2014-2015, then it could be spent in fiscal year 2015-2016, but that the total amount of funds that was allowed for the YAEC was \$800,000 and no more.
9. No action was taken on lifting the burn ban. It is still on.
10. Tiffany Harris, Alamo Area Council of Governments Public Relations representative, gave information concerning the August 27th Outreach Event that will be held at the Boerne Civic Center.
11. A Public Hearing was held regarding the Fiscal Year 2016 Budget. The following person spoke: John Kight.
12. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Fiscal Year 2016 Budget.
 Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 5-0.
13. Al Auxier, County Sheriff, gave a presentation on the proposed expansion of the Kendall County Law Enforcement Center.
14. **PUBLIC COMMENTS:**
- John Kight spoke during agenda item #8.
 - Earl Smith spoke concerning a master plan.
 - Micah Voulgaris, Cow Creek Groundwater Conservation District (CCGCD) General Manager, spoke about a meeting with the Court concerning adopting and amending rules for CCGCD.
 - Jeff Fincke spoke about the Moving Big Water training for firefighting that was held last weekend.
 - Richard Chapman spoke during agenda item #15.

(The following person made public comment during agenda item #15: Richard Chapman)

15. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt a 2015 County Property Tax Rate of \$.3867 per \$100 taxable value. The \$.3867 rate includes the Debt Service Rate of \$.040738 and the Maintenance and Operations Rate of \$.345962 (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 1.03 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-4.84.**
- Motion was made by Judge Lux, seconded by Commissioner Fincke, and carried by a vote of 4-1.
- Record vote: Judge Darrel L. Lux voted aye, Commissioner Mike Fincke voted aye, Commissioner Richard W. Elkins voted nay, Commissioner Tommy Pfeiffer voted aye, and Commissioner Royce Steubing voted aye.
- KENDALL COUNTY, TEXAS, ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

16. 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 Steubing, 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 adopt an Order calling a bond election to be held in Kendall County, Texas, for the Law Enforcement Center (attached).
Motion was made by Commissioner Elkins, seconded by Judge Lux, and carried by a vote of 5-0.
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- At 10:30 a.m. Commissioner Elkins stepped out of the Courtroom.
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18. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from density requirements and platting requirements in accordance with Sections 300 and 100 of the Kendall County Development Rules and Regulations for proposed tracts of 1.84 acres and 1.4 acres which are served by central water and on-site sewage facilities (38775 IH10 - James Bradley, Elaine Schladoer).
Motion was made by Commissioner Steubing, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.
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- At 10:35 a.m. Commissioner Elkins returned to the Courtroom.
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19. 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 87 and Lot 107A, Skyview Acres, Unit 4, Kendall County, Texas, in accordance with Section 209 of the Kendall County Development Rules and Regulations. The purpose of the Amending Plat is to relocate a common lot line creating Lots 87A and 107A-1 and create an easement.
Motion was made by Commissioner Fincke, seconded by Judge Lux, 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 approve the Amending Plat of Outlot 64C and part of Outlot 64, Comfort, Kendall County, Texas, in accordance with Section 209 of the Kendall County Development Rules and Regulations. The purpose of the Amending Plat is to relocate a common lot line creating Outlots 64D and 64E.
Motion was made by Commissioner Steubing, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.
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21. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Texas Parks and Wildlife Department's (TPWD) County Boat Agent Agreement to allow the Tax Assessor-Collector's office to continue to act as an agent for TPWD.
Motion was made by Commissioner Elkins, seconded by Commissioner Fincke, 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 approve the Interlocal Agreement between Kendall County, the City of Boerne and the City of Fair Oaks Ranch for Public Safety and Utilities Communication Services.
Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 appointment of Election Judges for a term of one year beginning September 1, 2015 and ending August 31, 2016 as submitted (attached).
Motion was made by Commissioner Fincke, seconded by Commissioner Elkins, 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 adopt Order No. 08-24-2015A pertaining to electronic voting systems for use in Kendall County elections (attached).
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 approve the permanent appointment of various personnel for the Central Counting Station as submitted (attached).
Motion was made by Commissioner Fincke, seconded by Commissioner Elkins, 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 contract with Capital Excavation Company for the construction of Herff Road Phase II from Old San Antonio Road to US87 for the amount of \$4,011,244.10.
Motion was made by Judge Lux, seconded by Commissioner Steubing, and carried by a vote of 5-0.
- 27-1. No action was taken on this part of the agenda item as it was addressed in #26.
- 27-2a. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the purchase of right-of-way for Herff Road Phase II not to exceed \$125,000.
Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
- 27-2b. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 08-24-2015B approving the purchase of road right-of-way and related matters (attached).
Motion was made by Commissioner Fincke, seconded by Judge Lux, and carried by a vote of 5-0.

28. THE STATE OF TEXAS

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to approve paying Road & Bridge employees for Emergency Call Out time.

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

29. The summary of road activities by Road & Bridge for July 2015 was presented (attached).

30. The summary of activities by the Operations Department for July 2015 was presented (attached).

31. THE STATE OF TEXAS

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to allow outgoing mulch at no charge to Kendall County residents (commercial customers will continue to pay for outgoing mulch) effective August 27, 2015 through November 9, 2015 at the Brush Site in Boerne.

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

At 11:13 a.m. the Court closed Open Session, took a break and at 11:25 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
- 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 Commissioners
 2. Duties and responsibilities of the County Auditor
- IV. The Court will meet in Executive Session pursuant to Section 551.076 to deliberate: (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

At 12:05 p.m. the Court closed Executive Session, resumed Open Session and being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 14th DAY OF SEPTEMBER A.D., 2015

ATTESTED:


 COUNTY CLERK
 KENDALL COUNTY, TEXAS


 COUNTY JUDGE
 KENDALL COUNTY, TEXAS