

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, and via Zoom on the 12th day of April 2021.

Present: **DARREL L. LUX, COUNTY JUDGE**
CHRISTINA BERGMANN, COMMISSIONER, PCT. #1
RICHARD W. ELKINS, COMMISSIONER, PCT. #2
RICHARD CHAPMAN, COMMISSIONER, PCT. #3
DON DURDEN, COMMISSIONER, PCT. #4
SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT

1. **The meeting was called to order at 9:02 a.m.**

2. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for March 22, 2021.

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 April 25 to May 2, 2021 as Soil & Water Stewardship Week (attached).

Motion was made by Judge Lux, seconded by Commissioner Durden, 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 proclaim April 2021 as Child Abuse Prevention Month in Kendall County (attached).

Motion was made by Judge Lux, 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 amending the FY2021 budget through regular budget adjustments (attached).

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

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 accept the list of donations for the month of March (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 authorize soliciting bids for Seal Coat work for FY2021.

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

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the cash summary at Frost Bank for January & February 2021 (attached).

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

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

11. Commissioner Bergmann gave EMC Jeff Fincke's update concerning the Coronavirus COVID-19 for Kendall County.

12. PUBLIC COMMENTS:

- Brad Rockwell spoke during item #19
 - Lance Kyle spoke during item #19
 - Denise Dever spoke during item #19
 - Elizabeth Johnson spoke during item #19
 - Tom Adelstein spoke during item #19
 - Harold Zuflacht spoke during item #19
 - Jerry Belcher spoke during item #19
 - Darrell Pratka spoke during item #19
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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to not provide a member of Commissioners Court as an ex-officio member of the Board of Directors of the Boerne Public Facility Corporation.

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

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a three-percent salary increase effective April 25, 2021 for non-elected employees.

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request from the Waring Volunteer Fire Department to close East Waring Road, between South Front and the Waring Welfare Road, from 5:00 p.m. to midnight, May 8, 2021 to facilitate their annual brisket dinner, dance, and auction.

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Auditor to advertise for Architectural Services for Planning and Design Services for the Law Enforcement Center Expansion project.

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

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize seeking Statements of Qualifications to assist the County with preliminary planning, design, cost estimating, and project management for mobility and other infrastructure projects.

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

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from road frontage and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations for the proposed division to create a (+/-) 17-acre tract and a (+/-) 59-acre tract with access to Peek Ranch Road which is a 50-foot wide private easement to Mill Dam Road (Refugio & Maria Valdez).

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

19-a. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from the Kendall County Development Rules and Regulations for Lily Ranch Subdivision, Unit 1, for minimum road frontage from 100 feet to 60 feet and single-story housing along Old Fredericksburg Road.

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

19-b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from the Kendall County Development Rules and Regulations for Lily Ranch Subdivision, Unit 1, for minimum front setback from 50 feet to 25 feet and single-story housing along Old Fredericksburg Road.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 4-1 with Commissioner Durden voting against.

19-c. Commissioner Elkins made a motion to grant the request for relief from the Kendall County Development Rules and Regulations for Lily Ranch Subdivision, Unit 1, for minimum rear setback from 50 feet to 20 feet and single-story housing along Old Fredericksburg Road. Motion died for lack of a second.

19-d. Commissioner Elkins made a motion to grant the request for relief from the Kendall County Development Rules and Regulations for Lily Ranch Subdivision, Unit 1, for minimum side setback from 10 feet to 5 feet and single-story housing along Old Fredericksburg Road. Motion died for lack of a second.

19-e. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from the Kendall County Development Rules and Regulations for Lily Ranch Subdivision, Unit 1, for minimum road frontage on cul-de-sac from 50-foot chord length to 30-foot chord length and single-story housing along Old Fredericksburg Road.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 3-2 with Commissioner Chapman and Commissioner Durden voting against.

19-f. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from the Kendall County Development Rules and Regulations for Lily Ranch Subdivision, Unit 1, for minimum cul-de-sac length from 250 feet to 100 feet and single-story housing along Old Fredericksburg Road.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 3-2 with Commissioner Chapman and Commissioner Durden voting against.

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the execution of a Cooperative Agreement between Kendall County and Texas State Soil and Water Conservation Board on funding rehabilitation for Upper Cibolo Creek Watershed Floodwater Retarding Structures No. 4.

Motion was made by Commissioner Bergmann, seconded by Commissioner Durden, 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 executing a contract with Schnabel Engineering pertaining to inundation mapping for Upper Cibolo Creek Watershed Dam No. 4. The value of the proposed lump sum contract will not exceed \$18,500.00.

Motion was made by Commissioner Bergmann, seconded by Judge Lux, 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 authorize seeking Statements of Qualifications to assist Kendall County with Contract Administration for the Flood Control Structure #4 rehabilitation project.

Motion was made by Judge Lux, seconded by Commissioner Bergmann, 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 changing the posted hours for the Kendall County Brush Site from 7:00 a.m.-4:30 p.m. to the new hours of 7:00 a.m.-4:00 p.m. effective April 21, 2021.

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

At 11:23 a.m. the Court recessed Open Session and went into Executive Session:

- I. Pursuant to Chapter 551 of the Texas Government Code, Section 551.071 to seek the advice of 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.
- II. Pursuant to Chapter 551 of the Texas Government Code, 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 road supervisor and assistant crew leader
- III. Pursuant to Chapter 551 of the Texas Government Code, Section 551.076 to deliberate (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

At 12:00 p.m. the Court recessed Executive Session and resumed Open Session. The Court then recessed for lunch.

At 1:32 p.m. the Court resumed Open Session.

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the CDA's office to apply for the Bureau of Justice Assistance Fiscal Year 2021 Smart Prosecution - Innovative Prosecution Solutions Grant.

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

25. Nicole Bishop, CDA, gave an update on the border crisis and how it is affecting Kendall County.

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve seeking a county court at law for Kendall County and approve the Kendall County Resolution No. 4-12-2021 for the Texas legislature requesting same (attached).

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

 Judge Lux left the meeting at 2:07 p.m. and returned at 2:13 p.m.

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve assigning the supervision of the Rotating Justice Court Clerk to Judge Frieda Pressler, Justice of the Peace Precinct 4, effective immediately and for a period of no more than one year.

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 the quote from asbestos abatement contractor American Abatement for asbestos removal from the Comfort EMS building.

Motion was made by Judge Lux, seconded by Commissioner Durden, 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 quote from asbestos abatement contractor American Abatement for asbestos removal from the future facilities department office at 10 Staudt Street.

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

 At 2:24 p.m. the Court recessed Open Session and went into Executive Session:

II. Pursuant to Chapter 551 of the Texas Government Code, 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 road supervisor and assistant crew leader

III. Pursuant to Chapter 551 of the Texas Government Code, Section 551.076 to deliberate (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

At 3:20 p.m. the Court closed Executive Session and resumed Open Session where there being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 26th DAY OF APRIL 2021.

/s/ Darrel L. Lux
 COUNTY JUDGE
 KENDALL COUNTY, TEXAS

ATTESTED: /s/ Darlene Herrin
 COUNTY CLERK
 KENDALL COUNTY, TEXAS