

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 14th day of June 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 May 24, 27, and June 9, 2021.

Motion was made by Commissioner Durden, seconded by Commissioner Elkins, 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 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.

4. 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 Elkins, seconded by Commissioner Chapman, 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 accept the list of donations (attached).

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

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

7. PUBLIC COMMENTS:

- Phil Odom spoke concerning item #17
 - Robert Gallup spoke during item #11.
 - Lance Kyle spoke during item #13.
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8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve closing the following streets in Comfort from 6:30 a.m. to 11:30 a.m. for the Independence Celebration parade on Saturday, July 3rd: Idlewilde Boulevard, Daniel Drive, Edgewood Drive, part of Highway 87 and Highway 27, Lindner Avenue, High Street from Lindner Avenue to 5th Street, 5th Street from High Street to Broadway, Broadway from 5th Street to 7th Street, 6th Street from Broadway to Main Street.

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 grant permission for use of the north portion of Faltin Field at Main and 8th Streets in Comfort for parking for the Independence Celebration on Saturday, July 3rd.

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

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize a letter of permission from Commissioners Court to the Comfort Chamber of Commerce for the Texas Alcoholic Beverage Commission (TABC) to allow the Chamber to sell beer at their booth at the Comfort Park from 9:00 a.m. until 3:00 p.m. during Comfort's Independence Celebration event Saturday, July 3rd.

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

11. This item concerning the preliminary Development Plan of Fairway Hills Condos at Tapatio Springs was removed from the agenda.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to select Schnabel Engineering as provider for Architectural/Engineering services and for Kendall County staff to enter into contract negotiations for providing professional contract administration supporting the rehabilitation of Upper Cibolo Creek Flood Control Structure No. 4.

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

13. The Court heard a presentation by Commissioner Elkins concerning storm water runoff in Kendall County areas.

14. At 9:38 a.m. a public hearing was held on the proposed development, Bluff View Apartments, and its application to the Texas Department of Housing and Community Affairs (“TDHCA”) for 2021 [Housing Tax Credits/Private Activity Bond] funds. No one spoke.
At 9:38 a.m. the public hearing was closed.
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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 No. 06-14-2021 concerning the Public hearing on the proposed development, Bluff View Apartments, and its application to Texas Department of Housing and Community Affairs (“TDHCA”) for 2021 [Housing Tax Credits/Private Activity Bond] funds.

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

16. This item concerning a resolution supporting the proposed Bluff View Apartment project in Kendall County was removed from the agenda.
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17. The County Sheriff and the Court discussed certain existing conditions in Kendall County and the need to ascertain ways to address the County’s authority to maintain the health, safety and welfare of its residents. No action was taken.
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18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the application for the Sheriff’s Department to participate in the LESO/1033 program.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the revised application form to reserve pavilions at Joshua Springs Park but removing the statement that prohibits kegs.

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the revised Ring Mountain Event Center Lease Agreement.

Motion was made by Commissioner Elkins, seconded by Judge Lux, 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 award Seal Coat Bid 2021-03 to Clark Construction of Texas for FY2021.

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

At 10:01 a.m. the Court recessed Open Session and at 10:12 a.m. 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.
 1. #3 Upper Cibolo Creek Road
 2. Newsom Winery/Newsom Vineyards
 3. Boerne Ranch Estates
- II. Pursuant to Chapter 551 of the Texas Government Code, Section 551.072 to deliberate the purchase, exchange, lease or value of real property. (Note: Deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)
- III. 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 Justice of the Peace, Precinct 1, personnel
 2. Duties and responsibilities of Road & Bridge personnel

At 11:30 a.m. the Court closed Executive Session and resumed Open Session where the following motions were made:

I-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to institute a lawsuit against #3 Upper Cibolo Creek Road with attorney's fees to be no more than \$5,000.00 (ORDER - #3 UPPER CIBOLO CREEK ROAD AUTHORIZING GENERAL COUNSEL TO FILE SUIT AND AUTHORIZING EXPENSES attached).

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

I-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to institute a lawsuit against Newsom Vineyards and/or Newsom Winery located in Comfort, Texas with attorney's fees to be no more than \$5,000.00 (ORDER – NEWSOM VINEYARDS OR NEWSOM WINERY IN COMFORT, TEXAS AUTHORIZING GENERAL COUNSEL TO FILE SUIT AND AUTHORIZING EXPENSES attached).

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

Being no further business, the meeting was adjourned at 11:33 a.m.

EXAMINED AND APPROVED THIS 28th DAY OF JUNE 2021.

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

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