

**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 13th day of September 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**

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1.       **The meeting was called to order at 9:00 a.m.**  
          **Comments from the bench.**

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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 August 23 and 30, 2021.

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 amending the FY2021 budget through regular budget adjustments (attached).

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 accounts payable claims for purchases, services, and vendors in the amount of \$358,659.06 (on file).

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

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5.       **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Fees of Office Report for July 2021 (on file).

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

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6.       **Bob Weiss, representative from the Boerne Area Model Society (BAMS), spoke about what their group does and invited everyone to the Fall Fun Fly on September 18th at Joshua Springs Park.**

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

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8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the 2021 international fire code as amended effective January 1, 2022.

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

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9. County Judge Darrel Lux and EMC Jeff Fincke gave updates on Coronavirus COVID-19 for Kendall County.

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10. PUBLIC COMMENTS: None

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11. At 9:32 a.m. a public hearing was held on the application filed by North Creek 16, LLC and North Creek Ten Investments, LLC for the proposed revision of the subdivision plat of Comfort Outlot 55A filed in Volume 8, pages 84-86, Plat Records of Kendall County, Texas. The proposed plat revision would create 5 lots out of a parent tract of approximately 36 acres. No one spoke. At 9:33 a.m. the public hearing was closed.

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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from minimum lot size and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations for the proposed division at 39 FM 1621 to create a 32-acre tract and three 3.1-acre tracts with access to the three 3.1-acre tracts being over a 70-foot wide easement for roadway purposes to FM 1621. The proposed division is for a family division in accordance to Section 102.1000.2 (Mary Jimenez, owner).

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

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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from minimum road frontage and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations for the proposed division at 42 Rust Lane to create a 6.4-acre tract and a 9.1-acre tract out of a 15.4-acre parent tract with access to the 6.4-acre tract being over a 50-foot wide road easement to Rust Lane (Tammy Blake, owner).

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 grant relief from minimum road frontage and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations for the proposed division at 140 Delaware Creek Road to create a 38.1-acre tract and a 262-acre tract out of a 300-acre parent tract with access to the tracts being over a proposed 60-foot wide easement for roadway purposes and multiple existing 60-foot wide easements to FM 1888 (Frederick Mueller, owner).

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 grant relief from Court Order 06-27-2016A, Section 6.2, perimeter fencing, for the Doc Holladay Business Park.

Motion was made by Commissioner Durden, 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, for Kendall County to work towards a Memorandum of Understanding (MOU) with the City of Boerne pertaining to stormwater infrastructure projects with a potential 50-50 split.

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 the Amending Plat of the Town of Comfort, in accordance to Section 209.200 of the Kendall County Development Rules and Regulations to create 11 lots out of 11 existing lots which will be served by central water and central sewer.

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

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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 Letter of Credit for the Amending Plat of the Town of Comfort (Lots 129A, 129B, 129C, 129D, 129E, 129F, 129G, 129H, 129J, 129K, 129L) in the amount of \$11,582.00 for construction of a detention pond.

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

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19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to release the Letter of Credit for Cordillera Ranch, Unit 302A, in the amount of \$59,312.00 for construction of water improvements.

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 revised Military Leave Policy as mandated by HB1589.

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 job descriptions for Firefighter, Pretrial Services Director, Indigent Defense Coordinator, and Case Manager I.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 authorize the County Judge to issue a Notice to Proceed letter to Burns Architecture, LLC upon receipt of signed contract and insurance certificates.

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

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Commissioner Bergmann left the meeting at 9:59 a.m.

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2021-2022 School Resource Officer agreement with the Boerne Independent School District.

Motion was made by Commissioner Elkins, seconded by Judge Lux, and carried by a vote of 4-0.

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Commissioner Bergmann returned to the meeting at 10:02 a.m.

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Cooperation Agreement with Burnet County to house Kendall County inmates.

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

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**25. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal agreement with the Sheriff's Association to purchase vehicles.

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

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**26. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to request the County Auditor to conduct an audit of the Kendall County Sheriff's Office Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedure.

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

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**27. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to request the County Auditor to conduct an audit of the Criminal District Attorney's Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedure.

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

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**28. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a settlement agreement and release of claims with the Longhorn Café in the amount of \$2,970.74.

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

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**29. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a settlement agreement and release of claims with CME Enterprises Inc in the amount of \$5,500.00.

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

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**30. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amended settlement agreement and release of claims with Ricky Pfeiffer and Billy Shussler.

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

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31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Memorandum of Understanding with the Hill Country Council on Alcohol & Drug Abuse - Region 8.

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

32. The Court discussed issues regarding the affidavit of land location.

33. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the naming of two private roads for 911 addressing purposes with the road names being "Sonderland" and "LaJoya" as recommended by the 911 Coordinator.

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

At 11:01 a.m. the Court recessed Open Session, took a break and at 11:07 a.m. went into Executive Session:

- I. 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.)
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 Road & Bridge
III. 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
IV. Pursuant to Section 551.087 to discuss or deliberate regarding commercial or financial information that the Boerne Kendall County Economic Development Corporation ("BKCEDC") has received from a business prospect that the BKCEDC seeks to have locate, stay, or expand in Kendall County and with which the BKCEDC is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

At 12:28 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 27th DAY OF SEPTEMBER 2021.

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

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