

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 27th 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

1. The meeting was called to order at 9:00 a.m.
Pledges of Allegiance to the United States and Texas flags.

2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for September 13, 2021.

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

3. Service Awards:

5 years (August)	Heidi Correia, Tax Office
5 years (August)	Tammie Coward, Treasurer's Office
5 years (August)	Brenda Falcon, District Clerk's Office
5 years (August)	Deanna Gombert, Tax Office
5 years (August)	Kimberly Quintana, Elections Office
5 years (August)	Glennnda Wilke, CDA Office
5 years (September)	Daniel Vetter, Parks Director
10 years (August)	Jesus Minjarez, Recycling Center
30 years (August)	Dennis Rust, Road & Bridge

4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim October 3-9, 2021 as National 4-H Week in Kendall County (attached).

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

5. Hilary Putrite, 4-H Program Assistant, presented 4-H Award recipients:

- **Bronze Star: Matthan Ellis**
 - **Silver Star: Mary Anna McFarland**
 - **Gold Star: Anna Beth Muck, Madeline McFarland, Keona Ellis**
 - **Danforth I Dare You Award: Corrie Smith and Lily Valentine**
 - **4-H Leader Award: Madeline McFarland**
 - **Kendall County Service Award: Elizabeth McFarland**
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6. 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 certification of new revenue and regular budget adjustments (attached).

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

8. 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 August 2021 as presented (on file).

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 accept the list of donations on behalf of Kendall County as per Local Government Code 81.032 (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 award the Bulk Fuel Bid #2022-01 for Fiscal Year 2022 to Sun Coast.

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

11. No action was taken concerning the Road Material Bid # 2022-02 for Fiscal Year 2022.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to set the official newspaper for fiscal year 2022 to be The Hill Country Weekly.

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

13. 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 July 2021 (attached).

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

14. PUBLIC COMMENTS:

- Lance Kyle spoke during agenda item #27.
 - Jeff Fincke, EMC, spoke about COVID.
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15. No action was taken on reinstating the burn ban. It is still off.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the request for qualifications (RFQ) and proposal from H2O Partners to update and develop the Kendall County Local Hazard Mitigation Plan.

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 approve the letter requesting technical advice and assistance from The Trust for Public Land and The Nature Conservancy in connection with Kendall County’s efforts to develop and sustain reliable, ongoing sources of funding for land conservation, open space, and natural area protection and stewardship.

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

18. John Bull, Chief Public Defender, and Elizabeth Berry, Deputy Chief, at the Hill Country Regional Public Defender’s Office gave an update on activities.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the Fiscal Year 2022 Multi-Year Improvement Grant for the Indigent Defense Coordinator.

Motion was made by Commissioner Elkins, seconded by Commissioner Chapman, 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 additional services for Burns Architecture, LLC in the amount of \$16,500 to conduct forensic evaluation of Probation and Training Building HVAC and to prepare design, bidding, and construction documents for construction needed to achieve acceptable HVAC performance.

Motion was made by Commissioner Chapman, 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 setting the Sheriff’s and Constables’ fees for 2022 as presented (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 accept the proposed agreement with Pinnacle Medical Management Corporation for drug and alcohol testing of Kendall County Road & Bridge employees.

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 adding a Road Maintenance III and removing a Road Maintenance II position in Department 620 for fiscal year 2022 budget.

Motion was made by Judge Lux, seconded by Commissioner Bergmann, 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 release the Letter of Credit for Cordillera Ranch, Unit 302 in the amount of \$352,810.00 for construction of water and sewer improvements.

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 amending Kendall County Order No. 11-27-2017B, Regulation of Outdoor Lighting in the Unincorporated Areas of Kendall County, Texas within Five Miles of the Camp Bullis Boundary (Order No. 09-27-2021 attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 adopt the Resolution proposing to seek Dark Sky Community certification (attached).

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

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the right-of-way along 29 Old Fredericksburg Road in conjunction with a City of Boerne development plat.

Motion was made by Commissioner Elkins, 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 grant the request for relief for the following items of the 1997 Kendall County Development Rules and Regulations for The Heartland at Tapatio Springs: 25-foot front setback in lieu of 50-foot front setback, 30-foot chord length minimum lot frontage on a cul-de-sac in lieu of 50-foot chord length, 90-foot minimum lot frontage in lieu of 100-foot minimum lot frontage, 50-foot right-of-way width in lieu of 60-foot right-of-way width, 120-foot cul-de-sac right-of-way diameter with paved area of 96 feet in diameter in lieu of 150-foot right-of-way diameter and 100-foot pavement diameter.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 2022 Holiday Calendar for Kendall County (attached).

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

30. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2022 Commissioners Court Meetings Calendar (attached).

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

31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with the Hill Country Dispute Resolution Center.

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

32. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreed order with Newsom Vineyards @ Comfort, LLC resolving an enforcement action.

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

(Agenda item #33 was addressed after agenda item #34)

34. The summary of Operations Department activities for August 2021 was presented (attached).

(The following agenda item #33 was addressed out of sequence)

33. The summary of road activities by Road & Bridge for August 2021 was presented (attached).

At 10:44 a.m. the Court recessed Open Session, took a break, and 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 the General Counsel

At 11:50 a.m. the Court closed Executive Session and resumed Open Session where there being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 12th DAY OF OCTOBER 2021.

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

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