

**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 22nd day of August 2022.

**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**  
                  **PAULA PFEIFFER, DEPUTY COUNTY CLERK**

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1.       **The meeting was called to order at 9:00 a.m.**  
          **Pledges of Allegiance to the United States and Texas flags.**  
          **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 8 and 15, 2022.**

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

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3.       **Service Awards:**

<b>July</b>	<b>10 years</b>	<b>Matthew Kellogg, EMS</b>
<b>August</b>	<b>5 years</b>	<b>Brad Corson, Road &amp; Bridge</b>

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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 proclamation recognizing Jim and Dr. Carol Westermeier for their commitment to**  
  
**serving the people of Kendall County and preserving its heritage.**

**Motion was made by Judge Lux, seconded by Commissioner Bergmann, 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**  
  
**approve amending the FY2022 budget through regular budget adjustments (attached).**

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

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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 accounts payable claims for purchases, services, and vendors totaling \$1,510,580.09

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0 with Commissioner Elkins abstaining from matters relating to GVTC.

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**7. 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 2022.

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

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**8. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to renew Kendall County's contract with Deer Oaks Employee Assistance Program Services for the plan year October 1, 2022 to September 30, 2023.

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

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**9. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement with H-E-B to administer vaccinations to employees.

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

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**10. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the revised job description for IT Director with the changes under general summary from upper management to Commissioners' Court.

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

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**11. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to order the General Election for County and Precinct officers to be held November 8, 2022.

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

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**12. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Polling Locations for the November 8, 2022 General & Special Election.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 approve the Joint Election Agreement with various Local Political Subdivisions for the November 8, 2022 General & Special Election.

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 approve the appointment of Election Judges. This includes election precinct judges, central counting station judges and the early voting ballot board judges for a term of one year beginning September 1, 2022 and ending August 31, 2023.

Motion was made by Commissioner Elkins, seconded by Commissioner Chapman, 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 approve the appointment of various personnel for the Central Counting Station for a one-year term to begin September 1, 2022.

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, to approve the Cash Summary at Frost Bank for June 2022 (attached).

Motion was made by Commissioner Bergmann, 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 Investment Report for 3rd Quarter FY 2022 (April, May, June attached.)

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

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18. The County Treasurer presented the Sales Tax Report.

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19. **PUBLIC COMMENTS:**

- Gary Louie – spoke concerning item #34
  - Robert Imler – general comments
  - Jan Couch – spoke concerning item #34
  - Mike Luckey – citizens comments
  - Maritza Gonzalez-Cooper – spoke concerning land bond item #34
  - Rich Sena – spoke concerning SRO agreement
  - Brent Evans – spoke concerning bond & spoke during item #34
  - Shane Stolarczyk – spoke during item #21
  - Joe Demarest - spoke during item #23
  - Gene Kaufman – spoke during item #23
  - Merrill Clark – spoke during item #23
  - Stephanie Sommers – spoke during item #23
  - Kathy Estes – spoke during item #29
  - Alex Rudd – spoke during item #34
  - Al Auxier – spoke during item #34
  - Amy Story – spoke during item #34
  - Katherine Romans – spoke during item #34
  - Ben Eldredge – spoke during item #34
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20. No action was taken on reinstating the burn ban. It is still off.

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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 application for the USDA Forest Service Grant to assist in the cost of developing and implementing a Community Wildfire Protection Plan.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 a fifty year ground lease with Boerne Independent School District for the construction of an EMS and law enforcement substation at the location of the Voss Middle School.

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

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## 23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Plat Revision of Gemini Oaks Subdivision, Unit 2, Lot 7A filed in Volume 6, page 286 of the Plat Records of Kendall County, Texas in accordance to Section 209 of the Kendall County Development Rules and Regulations. The proposed plat revision would create a 6.059-acre lot (Lot 7A-1) and a 6.49-acre lot (Lot 7A-2). A public hearing was held on July 11, 2022. Members of the public were present to speak (Jeff and Stephanie Sommers, owners).

Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 4-0-1 with Judge Lux abstaining.

## 24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from the road frontage and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations. The proposed division would create six 55(+) acre tracts out of a parent tract of approximately 411 acres. Access to the tracts would be over a 60-foot wide easement for roadway proposes to I-10 (43000B I-10 – Thomas Beauchamp, Brickstone Development, LP, owner).

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 Final Plat for Bergheim Business Park, in accordance to Section 204 of the Kendall County Development Rules and Regulations and Kendall County Court Order No. 06-27-2016A. The proposed commercial subdivision consisting of 9.814 acres, 5 commercial, 2 non-commercial/non-residential lots, 465 linear feet of roadway with a density of 1.96 acres per commercial lot. The proposed subdivision will be served by a public water system and On-Site Sewage Facilities (Bergheim Business Park I, LLC, Michael W. Cude).

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 Letter of Credit for Bergheim Business Park in the amount of \$375,628.73 for construction of roads and drainage (Bergheim Business Park I, LLC, Michael W. Cude).

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 approve the plat revision of Pleasant Valley Business Park, Phase 2, Lot 25A filed in Volume 9, page 336 of the Plat Records of Kendall County, Texas in accordance to Section 209 of the Kendall County Development Rules and Regulations. The proposed plat revision would create a 1.67-acre lot (Lot 25A-1) and a 1.0-acre lot (Lot 25A-2) out of a 2.67-acre lot (Karl Gramling, Gramling Real Estate Holdings, LLC, owner).

Motion was made by Commissioner Elkins, seconded by Judge Lux, 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 the plat revision of River Mountain Ranch, Section 3, Lot 215A filed in Document No. 365017 of the Plat Records of Kendall County, Texas in accordance to Section 209 of the Kendall County Development Rules and Regulations. The proposed plat revision would create a 12.426-acre lot (Lot 215A-1) and a 3.012-acre lot (Lot 215A-2) out of a 15.438-acre lot (Micah and Michele Morgan, owner).

Motion was made by Commissioner Elkins, seconded by Judge Lux, 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 the agreement between Kendall County and Das GreenHaus, Inc. and authorization of payment out of line item 55-409-53900.

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

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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 Interlocal Agreement between Boerne Independent School District and Kendall County for two School Resource Officers.

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

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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 proposal from Argus Environmental Consultants to conduct a limited mold assessment on the third floor of the Courthouse.

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

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**32. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Hill Country Regional Public Defender Office interlocal agreement between Bandera, Gillespie, Kendall, Kerr, and Medina Counties to make Medina County the fiscal agent for the Hill Country Regional Public Defender Office effective October 1, 2022.

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

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**33. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and authorize the order of the Commissioners' Court of Kendall County for the Tax Notes with Amegy Bank.

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

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**34. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to call a bond election to be held in Kendall County, Texas; making provision for the conduct of the election and resolving other matters incident and related to such election. Proposition A not to exceed \$20 million dollars and will add for after the word bonds on the ballot language.

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

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**35. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2022 Estimated Certified Appraisal Roll total of \$7,259,019,565 (freeze adjusted taxable).

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

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**36. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the No-New-Revenue Tax Rate of .350544 per \$100.00, Voter-Approval Tax Rate of .418777 per \$100.00, and De Minimis Rate of .412381 per \$100.00.

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

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**37. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve .3877 per \$100.00 taxable value to be put on the agenda for a future meeting and schedule a public hearing on the tax rate on Tuesday, September 6, 2022 at 10:30 a.m. to be held at the Kendall County Courthouse.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0. Record vote: Judge Darrel Lux voted aye, Commissioner Christina Bergmann voted aye, Commissioner Richard Elkins voted aye, Commissioner Richard Chapman voted aye, and Commissioner Don Durden voted aye.

**38. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2023 Optional Fees-County Road & Bridge Fee and the Child Safety Fee and will remain the same.

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

**39. The summary of road activities for July 2022 was presented (attached).**

**40. The summary of operations activities for July 2022 was presented (attached).**

**At 12:13 p.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.
 
  - 1. Progressive Insurance**
  - 2. Law Enforcement Center**
  - 3. Newsom****
  
- 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 Tax Assessor-Collector**
  - 2. Duties and responsibilities of Human Resources**
  - 3. Duties and responsibilities of the EMS Director**
  - 4. Duties and responsibilities of Road & Bridge****

**At 12:18 p.m. the Court closed Executive Session, resumed Open Session.**

**II-1. Duties and responsibilities of the Tax Assessor-Collector was discussed.**

**At 12:14 p.m. the Court closed Open Session, and took a lunch break.**

**At 3:48 p.m. the Court closed Executive Session, resumed Open Session.**

