

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 8th 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

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.

2. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to
approve the Minutes for July 25 and 27, 2022.

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 August 17, 2022 as Kendall County Nonprofit Day throughout Kendall County and
encourage all citizens to recognize the positive impact nonprofit organizations have on the quality of
life of citizens of Kendall County, Texas.

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 amending the FY2022 budget through regular budget adjustments.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 accounts payable claims for purchases, services, and vendors as presented by the Auditor.

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

Motion was made by Commissioner Bergmann, 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 declare the items as listed as surplus and salvage property and to proceed with the disposition through an online county auction.

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 approve renewing Kendall County's group vision insurance for the plan year October 1, 2022 to September 30, 2023 with Ameritas.

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 appoint Kera Dutton, Kendall County Extension Office Family Specialist, to the Alamo Area Council of Governments (AACOG) Alamo Senior Advisory Board.

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

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

11. Vanir provided an update on their activities concerning the Long Range Facilities Master Plan.

12. PUBLIC COMMENTS:

- Joanne Bradley introduced new Juvenile Probation Officer, Jasmine Glaser
 - Robert Imler spoke concerning general comments
 - Lance Kyle spoke during item #14
 - Alex Rudd spoke during item #14
 - Maxie Zinsmeister spoke during item #14
 - Brad Rockwell spoke during item #14
 - Denise Dever spoke during item #14
 - Harold Zuflacht spoke during item #14
 - Tom Adelstein spoke during item #14
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- 13. At 10:10 a.m. a public hearing was held on the application filed by Gramling Real Estate Holdings LLC, for the proposed revision of the subdivision plat of Pleasant Valley Business Park, Phase 2 Development Plat, Kendall County, Texas recorded in Volume 9, Pages 336-338, Kendall County Plat Records. The proposed plat revision would create two lots consisting of 1 acre and 1.67 acres out of a 2.67-acre lot (Karl Gramling, Gramling Real Estate Holdings LLC, owner). No one spoke. A 10:11 a.m. the public hearing was closed.**
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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 for various items of the Kendall County Development Rules and Regulations for approximately 70 acres of the Duennenberg Tract which is to be served and contingent on being served by central water and sewer and meeting the other requirements of the Kendall County Rules & Regulations for development and obtaining TXDOT approval of the road that would be developed from the access road from I-10 to Old Fredericksburg Road and also contingent on presentation of adequate Home Owner Association documents that document responsibility for maintenance of the water quality basins.

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

15. 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 three 6 (+) acre tracts and an approximately 46-acre tract out of a parent tract of approximately 64 acres. Access to the tracts is over an existing and proposed 60-foot wide easement for roadway purposes to Ammann Road (Duane Zoeller, owner - 346B Ammann Road). The property owner would be required to provide adequate access for emergency vehicles.

Motion was made by Commissioner Elkins, 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 grant relief from Section 304.1100 of the Kendall County Development Rules and Regulations. Owner is requesting a reduction in setbacks from 50-feet on all sides to 25-feet on all sides that provides the following: the 50-foot front setback is on North Star Road, the 25-foot setback for sides and rear, and must follow the drainage criteria that is outlined in the new draft regulations. (Brandon Kehler, Owner – 5 North Star Road).

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

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- 17. Commissioner Chapman made a motion 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 a 10 (+) acre tract out of a parent tract of approximately 450 acres. There must be a minimum of 500-feet from the 6-acre tract and 500-feet from the east boundary currently owned by John Ludolf. Access to the tract is over a 60-foot wide easement for roadway purpose to Edge Falls Road. It is further required that current or future users have an easement for roadway purposes to Edge Falls Road and this easement shall be named for 911 purposes. Any further development will require the road to be brought up to Kendall County standards. This Motion is also contingent upon approval of the sale of land by the Executors of the life estate of George Ludolf, and the land is to be used for residential use and not commercial use. Judge Lux withdrew his second and Motion died for a lack of a second (Sam Ludolf – 517A Edge Falls Road).**

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to Bergheim Memorial Shopping Center from Section 303.1200.3 of the Kendall County Development Rules and Regulations and 30 Texas Administrative Code Chapter 285.91, Table X, Minimum Required Separation Distance for On-Site Sewage Facilities. The relief is to the minimum separation distance between OSSF sewer pipe and public water wells/public water supply lines. The granting of this relief is contingent upon the installation of the Higher Standard of Protection as provided by Chapman Engineering in the document dated July 22, 2022. Also the weekly observations are to be kept in the Water System Operation Manual. Will continue as long as the water well is in service and shall be provided to Kendall County (James Schuepbach, owner, 919 SH 46 E).

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 grant relief from the road frontage and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations. This proposed division would create two 15-acre tracts and an approximate 42-acre tract out of a parent tract of approximately 72 acres. Access is over the 60-foot wide easement for roadway purposes to IH-10. The roadway easement will be named for 911 addressing (Daniel Huband, I-10 HMC Investments, owner – 43000 IH-10).

Motion was made by Commissioner Durden, seconded by Judge Lux, 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 Memorandum of Understanding between Kendall County and landowner adjacent to Ragsdale Road. The purpose of the Memorandum of Understanding is to provide for the construction of a cul-de-sac at the end of Ragsdale Road so motor vehicles including emergency vehicles can turn around without encroaching on the private property.

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 the Lease Agreement with Market Days Management to allow the use of the Courthouse grounds for Market Days on October 7-9, 2022.

Motion was made by Judge Lux, seconded by Commissioner Durden, 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 approve the Interlocal Agreement with the City of Boerne regarding the provision of sanitation services.

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 the lease agreement between Kendall County and Johns Road Business Center LLC to provide office space for the Pretrial Services Department beginning on September 1, 2022 ending on August 31, 2025.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 approve the maintenance contract with CML Security LLC for the Law Enforcement Center security and secure assess system(s).

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 execution of a contract with AG-CM for Project Management Services for the Kendall County Jail expansion project.

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 Order exempting professional services/architectural services for the proposed EMS Law Enforcement Station near Voss Middle School from the competitive bidding requirements of Texas Local Government Code §262.

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

At 12:06 p.m. the Court recessed Open Session, and at 12:15 p.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 IT Department
 2. Duties and responsibilities of the Justices of the Peace and JP Clerks
 3. Duties and responsibilities of the HR Director
 4. Duties and responsibilities of the Road & Bridge Department

At 1:00 p.m. the Court took a lunch break

At 2:32 p.m. the Court resumed Executive Session

At 4:20 p.m. Commissioner Bergmann left the meeting

At 4:36 p.m. the Court closed Executive Session, resumed Open Session.

II-3a THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to amend Kendall County Employment Policy effective August 14, 2022 (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, and carried by a vote of 4-0.

11-3b THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to amend Kendall County EMS pay policy effective August 14, 2022 (attached).

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

Being no further business, the meeting was adjourned at 4:40 p.m.

EXAMINED AND APPROVED THIS 22nd DAY OF AUGUST 2022.

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

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