

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 24th day of October 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 October 11, 2022.

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

3. Service Awards:

5 years	Marissa Nettles, District Clerk's Office
5 years	William Hunt, CDA's Office
5 years	Lessly Barajas, Information Desk/Translator
10 years	Mark Bierds, Sheriff's Department
10 years	Joshua Henthorne, Sheriff's Department
10 years	Justin Wheeler, Road and Bridge
15 years	Kevin Klaerner, Sheriff's Department
20 years	Sharon Barter, Auditor's Office
20 years	Kenneth Oaster, Road and Bridge
20 years	Jody Pereda, Juvenile Probation

4. 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.

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

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 September 2022.

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 approve the resolution for the 2023 Indigent Defense Formula Grant Program (attached).

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

7. **The County Treasurer presented the Sales Tax Report.**

8. **PUBLIC COMMENTS:**

- Earl Smith – public comments
 - Max Langenberg – spoke concerning ESD
 - Jon Tipon – spoke concerning Proposition B
 - Robert Saenz – spoke concerning the elections office
 - Alex Rudd – spoke concerning water issues
 - Maxie Zinsmeister – public comments
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9. **No action was taken on lifting the burn ban. It is still on.**

10. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve blocking off the following streets in Comfort for the annual Christmas in Comfort event starting on Friday, November 25, 2022 at noon through midnight on Saturday, November 26, 2022: 7th Street between Highway 27 and Main Street, High Street from 6th Street to 806 8th Street, 8th Street at the north corner of High Street and just past the entrance to Simply Comfort, on the south side of High Street.

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

11. **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 for the Christmas in Comfort Parade on Saturday, November 26, 2022 from 6:30 p.m. to 9:30 p.m.: Idlewilde Boulevard, Daniel Drive, Edgewood Drive, part of Hwy 87 and Hwy 27; and from 6:00 a.m. to 11 p.m. to block the following areas to through traffic: Lindner Avenue, High Street from Lindner Avenue to 5th Street, 5th Street from High Street to Broadway, Broadway from 5th Street to 7th Street, and 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.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a letter required by the Texas Alcoholic Beverage Commission (TABC) from Commissioners Court to the Comfort Chamber of Commerce granting permission to the Chamber to sell beer at its booth at 7th Street at High Street from 10:00 a.m. to 9:00 p.m. on Saturday, November 26, 2022, during the annual Christmas In Comfort event.

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, 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 grant the Comfort Chamber of Commerce's request to allow public parking on the north portion of the County Property at Main and 8th Streets known as Faltin Field during the Annual Christmas in Comfort event to be held November 26, 2022.

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

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the proposed agreement with Texas Department of Public Safety to authorize Juanita Espino, Human Resources Director, to conduct driver record history searches on prospective and/or current employees.

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

15. 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 employees in CDL positions.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 approve the addendum to the State Plan of Operation that will allow for continued participation in the Law Enforcement Support Office ("LESO") program.

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 proceed with Life Spot Application for all county facilities.

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

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to execute a Guaranteed Maximum Price of \$6,986,142.00 with Butler-Cohen for the construction of a 51-bed addition to the Kendall County Law Enforcement Center. The agreement is composed of one document A133-2019, Guaranteed Maximum Price Amendment.

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

Commissioner Bergmann left courtroom at 10:52 a.m.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize a specified rate contract with Terracon Consultants Inc. for Construction Materials Observation and Testing Services for Kendall County Law Enforcement Jail project.

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

Commissioner Bergmann returned to court at 10:54 a.m.

20. The Court discussed the proposed Kendall County Development Rules and Regulations.

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Kendall County Major Thoroughfare Plan map with the exception of removing Upper Sisterdale Road adding Upper Cibolo Creek Road out to Sparkling Springs, and adding Johns Road.

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

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the proposed changes to the Kendall County Flood Damage Prevention Order as presented (attached).

Motion was made by Commissioner Durden, seconded by Commissioner Bergmann, 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 road change in Waring for combining Manning Road and Manning Street Road into Manning Street.

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

24. The summary of road activities for September 2022 was presented (attached).

25. The summary of operations activities for September 2022 was presented (attached).

At 11:23 a.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. Kniffin**
 - 2. Progressive Claim #22-9131437**
 - 3. Hail damage****

- 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 IT Director**
 - 2. Duties and responsibilities of the Fire Marshal**
 - 3. Duties and responsibilities of the General Counsel position****

At 12:40 p.m. the Court closed Executive Session, resumed Open Session.

Being no further business, the meeting was adjourned at 12:40 p.m.

EXAMINED AND APPROVED THIS 14th DAY OF NOVEMBER 2022.

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

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