

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 26th day of July 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.

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 12 and 22, 2021.

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

3. Service Awards: 15 years Michael Colwell, Sheriff's Office
 25 years Brian Webb, EMS Administrator

4. Judge Lux presented the Texas Historical Commission's Distinguished Service Award to the Kendall County Historical Commission for accomplishments during the 2020 year of service.

5. 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 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 accounts payable claims for purchases, services, and vendors (on file).

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, 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 renew Kendall County's group medical insurance with UnitedHealthcare for the plan year October 1, 2021 to September 30, 2022.

Motion was made by Commissioner Elkins, 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 renew Kendall County's group dental and life insurance with MetLife for the plan year October 1, 2021 to September 30, 2022.

Motion was made by Commissioner Elkins, 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 renew Kendall County's group vision insurance with Ameritas for the plan year October 1, 2021 to September 30, 2022.

Motion was made by Commissioner Elkins, seconded by Commissioner Chapman, 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 appoint Brown & Brown Lone Star Insurance Services, Inc. as Kendall County's Agent of Record for group medical, dental, vision and life insurance for the plan year October 1, 2021 to September 30, 2022.

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 renew Kendall County's contract with Deer Oaks Employee Assistance Program (EAP) Services for the plan year October 1, 2021 to September 30, 2022.

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

12. At 9:20 a.m. a public hearing was held on the application filed by Clyde Moody 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 9 lots out of a parent tract of approximately 36 acres. No one spoke.

At 9:21 a.m. the public hearing was closed.

13. **PUBLIC COMMENTS:** None

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

15. Jeff Fincke, Fire Marshal, gave information to the Court concerning amending the Kendall County Fire Code from the 2015 International Fire Code (IFC) to the 2021 IFC.

16. 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 for 33 Lost Valley Road provided that the developer install flood gauges as required by the Development Management Department of Kendall County. The proposed division would create one 20-acre tract, three 10(+)-acre tracts, and a 39-acre tract of land out of an approximately 89-acre parent tract. Access to the proposed tracts would be over an existing 50-foot wide easement (Lost Valley Road) to Walnut Grove Road.

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

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the partial vacate of Miralomas Garden Homes Subdivision, Unit 1. The purpose of the partial vacate is to vacate Common Space Lot C and incorporate it into Unit 2.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 approve the final plat of Miralomas Garden Homes Subdivision, Unit 2. The plat will establish the right-of-way for Terrapin, Telegraph Road, and Miralomas Boulevard and Common Space Lot C.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 approve the financial guarantee for Miralomas Garden Homes Subdivision, Unit 2, in the form of Cashier's Checks for \$2,959,767.68 and \$1,078,403.98 totaling \$4,038,171.66 for Roadway and Drainage Improvements with a two year completion.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 release of financial guarantee (cash deposit) for Sabinas Creek Ranch, Phase 2, Letter of Map Revision in the amount of \$25,000.00.

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 accept the Fees of Office Report for June 2021 (on file).

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

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

23. The Court discussed Temporary Emergency Sick Leave (TESL).

24. Rick Tobolka, County Engineer, updated Commissioners Court on the inoperative tub grinder and excess of mulch at the Kendall County Brush Site.

25. Sheriff Auxier updated the Court on the needed repairs to the Law Enforcement Center jail showers and water treatment system.

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the mutual agreement in accordance with paragraph 8 of Century Asphalt, Ltd Contract and their proposed sale to Texas Materials Group, Inc.

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

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

28. The summary of Operations Department activities for June 2021 was presented (attached).

At 10:28 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. Opioid lawsuit
- 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 County Health Sanitarian Department
 2. Duties and responsibilities of EMS
 3. Duties and responsibilities of the Road & Bridge Department

At 11:32 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 9th DAY OF AUGUST 2021.

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

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