

**NOTICE OF REGULAR MEETING  
OF THE KENDALL COUNTY COMMISSIONERS COURT**



**NOTICE** is hereby given that a regular meeting of the Kendall County Commissioners Court will be held on the **28th** day of **February 2022** at **9:00 a.m.** in the **Kendall County Courthouse, Third Floor Assembly Room**, 201 E. San Antonio Avenue, Boerne, Texas, and **via Zoom** at which time the following will be discussed and appropriate action taken; pursuant to V.T.C.A. Government Code Chapter 551, Open Meetings Act, including all Subchapters and Sections.

The public may join this meeting while in progress by calling 1-346-248-7799 and entering the meeting ID **565 651 9107** followed by #. Or by going to <https://txcourts.zoom.us/j/5656519107>

An electronic copy of the agenda and agenda backup documents can be found at:

<https://www.co.kendall.tx.us/page/Comm.Court.agendas.minutes>

**NO CELL PHONES, AUDIBLE PAGERS, AND/OR BEEPERS SHALL BE USED WHILE COURT IS IN SESSION**

1. Call to Order  
Comments from the bench
2. Consideration and action on the approval of the Minutes for February 14, 2022: Sally Peters, Deputy Clerk/Administrative Assistant
3. Presentation of Service Awards:  
10 years          Jordan Dullnig, Sheriff's Office  
15 years          Pedro Fernandez, Facilities Department
4. Presentation of Baptist Health Foundation of San Antonio Spirit of Health Award to Kendall County: Darrel L. Lux, County Judge / Cody Knowlton, President/CEO Baptist Health Foundation
5. Consideration and action on the approval of amending the FY2022 budget through regular budget adjustments: Corinna Speer, County Auditor
6. Consideration and action on the approval of accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
7. Consideration and action on the Fees of Office Report for January 2022: Corinna Speer, County Auditor
8. **PUBLIC COMMENTS**— opportunity for the general public to address the Court on any matter. The Court may not discuss any presented issue, nor may any action be taken on any issue at this time. Comments are limited to 3 minutes.

9. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Darrel L. Lux, County Judge / Jeffery Fincke, Fire Marshal
10. Update on Coronavirus COVID-19 for Kendall County: Darrel L. Lux, County Judge / Jeffery Fincke, EMC
11. Consideration and action to order the Special Election for the purpose of adopting or rejecting the proposed Constitutional Amendments to be held on May 7, 2022: Staci Decker, Elections Administrator
12. Annual report of the Sick Leave Pool Program: Juanita Espino, HR Director
13. Consideration and action on the approval of the Mental Health Leave Policy for peace officers: Juanita Espino, HR Director
14. Consideration and action on setting a place, date, and time for the hearing to consider the petition to create Emergency Services District #1 in compliance with Texas Health and Safety Code Section 775.015(b): Bill Ballard, General Counsel / Darrel L. Lux, County Judge
15. Consideration and action to designate which KCYAEC buildings and equipment to add to the list of insured property: Don Durden, Commissioner Precinct 4
16. Consideration and action on a request for 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 two tracts of approximately 420 acres and 530 acres. The 420-acre tract may be divided up to one additional time with a minimum tract size of 100 acres. Access to the tracts is over a variable width easement (Thomas Road) to FM 3351 (William Cleary, owner): Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, Assistant County Engineer
17. Consideration and action on a request for 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 two tracts of approximately 6 acres and 34 acres. The 6-acre tract would have approximately 226 feet of frontage (Penny Ann Lieck, owner): Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, Assistant County Engineer
18. Consideration and action on executing a specified rate contract with Halff Associates, Inc. pertaining to the review of floodplain and drainage associated with new developments: Mary Ellen Schulle, Assistant County Engineer
19. Consideration and action on approving a specified rate contract with Kimley Horn for the review of Traffic Impact Analysis and Rough Proportionality associated with new developments: Mary Ellen Schulle, Assistant County Engineer

20. Discussion, consideration and action executing a contract for demonstration and 8 hours of grinding stockpiled brush and stumps at the Kendall County Brush Site: Rick Tobolka, County Engineer
21. Discussion, consideration, an action on executing contracts with Republic Services for waste management and disposal at the following locations: Joshua Springs Park, Animal Control, Comfort Solid Waste, Boerne Solid Waste, EMS Comfort, and Kreutzberg Park: Rick Tobolka, County Engineer
22. Discussion, consideration and action executing a specified rate contract with Schnabel Engineering pertaining to construction plan modifications for Upper Cibolo Creek Flood Control Structure No. 4: Rick Tobolka, County Engineer
23. Discussion, consideration and action on executing a contract with StreetLight Data Inc. to study traffic at discrete locations in Kendall County, Boerne and Fair Oaks Ranch: Rick Tobolka, County Engineer
24. Discussion, consideration and action executing a specified rate contract with Scheibe Consulting for a Cypress Creek Feasibility Study: Don Durden, Commissioner Precinct 4 / Rick Tobolka, County Engineer
25. Consideration and action on short listing two firms for Construction Manager at Risk services for the Kendall County Jail expansion project. The short list firms are Butler-Cohen, LLC and Sedalco Construction Services: Don Durden, Commissioner Precinct 4
26. Consideration and action concerning cleanup of the 5 Toepperwein Road property and possible lease: Richard Chapman, Commissioner Precinct 3
27. Consideration and action concerning the Department of State Health Services Cities Readiness Initiative grant Contract No. HHS000145800001, Amendment No. 4: Jeffery Fincke, EMC
28. Summary of road activities for January 2022.
29. Summary of operations activities for January 2022.

**BREAK**

**EXECUTIVE SESSION (Closed to public)**

- 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. LEC
  2. Legal status of townships
  3. Das Greenhaus

4. County of Kendall v. Purdue Pharma, Inc., et al., MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas, removed to MDL 2804, N.D. OH.

**RESUME OPEN SESSION AND TAKE ANY NECESSARY ACTION RESULTING FROM EXECUTIVE SESSION DELIBERATIONS**

30. Consideration and action on authorizing the County Judge to execute an Order regarding settlement offers in the matter of Texas opioid multi-district litigation for the County in the matter of County of Kendall v. Purdue Pharma, Inc., et al., MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas, removed to MDL 2804, N.D. OH: Darrel L. Lux, County Judge / Bill Ballard, General Counsel
31. Consideration and action to provide funding to the 501(c)(3) nonprofit Das Greenhaus to renovate a public building for the incubator project: Darrel L. Lux, County Judge / Amy Story, BKCEDC President/CEO

**ADJOURNMENT**

Dated this the 24th day of February 2022.



Darrel L. Lux  
Kendall County Judge

I, the undersigned County Clerk, do hereby certify NOTICE of regular meeting of the above-named Commissioners Court is a true and correct copy of said Notice and that I have caused said Notice to be posted on the door at the Courthouse of Kendall County, Texas, located at 201 E. San Antonio Avenue on the 24th day of February 2022.



Darlene Herrin  
County Clerk

Posted at 4:00p.m. on the 24th day of February 2022—Suf

NOTE: The Kendall County Commissioners Court complies with A.D.A. requirements. If you have an impairment and wish to appear at a meeting, please call (830)249-9343, 48 hours in advance to make arrangements.