

**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 28th day of February 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**  
                          **SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT**

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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 February 14, 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:   10 years   Jordan Dullnig, Sheriff's Office**

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4.     **Cody Knowlton, President and CEO of the Baptist Health Foundation of San Antonio presented Kendall County with the Spirit of Health Award for Outstanding Leadership & Courage in the COVID-19 Pandemic.**

Judge Lux acknowledged the crucial role of Jeff Fincke, Kendall County Emergency Management Coordinator, in coordinating Kendall County's response to the pandemic.

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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.

Motion was made by Judge Lux, seconded by Commissioner Bergmann, 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 in the amount of \$695,196.21.

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

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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 January 2022 as presented.

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

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**8. PUBLIC COMMENTS:**

- Maritza Gonzalez-Cooper spoke about the Kendall County Parks Advisory Board
  - Josh Lawson spoke about Das Greenhaus
  - Darrel Lux spoke about voting
  - Denise Dever spoke about the City of Boerne master plan and she also spoke during item #23
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**9. No action was taken on lifting the burn ban. It is still on.**

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**10. EMC Jeff Fincke gave updates on Coronavirus COVID-19 for Kendall County.**

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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 a Special Election to be held on May 7, 2022 for the purpose of adopting or rejecting proposed Constitutional Amendments.

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

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**12. HR Director Juanita Espino gave the annual report of the Sick Leave Pool Program.**

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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 Mental Health Leave Policy for peace officers.

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 re-set the hearing for the petition to create Emergency Services District #1 in compliance with Texas Health and Safety Code Section 775.015(b) to be on April 11, 2022 at 1:30 p.m. in the Commissioners Courtroom on the 3rd floor of the Kendall County Courthouse, Boerne, Texas.

Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 designate KCYAEC Buildings 1-6 as listed along with the major equipment constituting the bleachers, curtains, and dividers, the PA system, livestock fence and portable electrical all be covered under the County insurance (complete list attached).

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 grant the request for relief from road frontage and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations for the proposed division to 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 (Thomas Road – FM3351, MCM Family Limited Partnership/William Cleary, owner).

Motion was made by Commissioner Chapman, seconded by Commissioner Durden, 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 grant the request for relief from road frontage and platting requirements in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations for the proposed division to create two tracts of approximately 6 acres and 92 acres. The 6-acre tract would have approximately 226 feet of frontage. The 92 acres cannot be developed until the 60-foot is brought up to County road standards (2902 FM 473 - Penny Ann Lieck, owner).

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

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**18. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the specified rate contract with Halff Associates, Inc. pertaining to the review of floodplain and drainage associated with new developments.

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

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**19. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the specified rate contract with Kimley-Horn for the review of Traffic Impact Analysis and Rough Proportionality associated with new developments.

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

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**20. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Hall Right of Way Services for one-day of grinding material at the Kendall County Brush Site and seek an additional day for the same price or no more than 25% additional.

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

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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 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 Kreuzberg Park.

Motion was made by Judge Lux, seconded by Commissioner Chapman, 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 the specified rate contract with Schnabel Engineering pertaining to construction plan modifications for Upper Cibolo Creek Flood Control Structure No. 4.

Motion was made by Commissioner Bergmann, seconded by Commissioner Elkins, 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 contract with StreetLight Data Inc. to study traffic at discrete locations in Kendall County, the City of Boerne, and the City of Fair Oaks Ranch.

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

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## 24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the specified rate contract with Scheibe Consulting for a Cypress Creek Feasibility Study.

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

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## 25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the short list of two firms for Construction Manager at Risk services for the Kendall County Jail expansion project with the short list being Butler-Cohen, LLC and Sedalco Construction Services.

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

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## 26. No action was taken concerning cleanup of the 5 Toepperwein Road property and possible lease.

## 27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Department of State Health Services Cities Readiness Initiative grant Contract No. HHS000145800001, Amendment No. 4.

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

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28. The summary of road activities by Road & Bridge for January 2022 was presented (attached).

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29. The summary of Operations Department activities for January 2022 was presented (attached).

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At 10:32 a.m. the Court recessed Open Session, took a break, 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. 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.

At 11:43 a.m. the Court recessed Executive Session and resumed Open Session for the following:

30. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the order accepting the 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. (attached).

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

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At 11:50 a.m. the Court recessed Open Session and went into Executive Session.

After a lunch break, the Court closed Executive Session at 2:50 p.m. and resumed Open Session for the following:

31. No action was taken concerning funding for Das Greenhaus and the incubator project.

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Being no further business, the meeting was adjourned at 2:53 p.m.

EXAMINED AND APPROVED THIS 14th DAY OF MARCH 2022.

/s/ Richard Elkins  
 COUNTY JUDGE PRO TEM  
 KENDALL COUNTY, TEXAS

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