



Kendall County, Texas Commissioners Court

Shane Stolarczyk, County Judge

Christina Bergmann
Commissioner, Precinct 1

Andra Wisian
Commissioner, Precinct 2

Richard Chapman
Commissioner, Precinct 3

Chad Carpenter
Commissioner, Precinct 4

AGENDA

REGULAR SESSION · MONDAY, FEBRUARY 27, 2023 · 9:00 AM
201 EAST SAN ANTONIO AVENUE, BOERNE, TX 78006
3RD FLOOR COMMISSIONERS COURTROOM

NOTICE is hereby given that a regular meeting of the Kendall County Commissioners Court will be held in person 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>

PLEASE SILENCE CELL PHONES

1. Call to Order - 9:00 a.m.
2. Pledge of allegiance to the United States Flag / Texas Flag
 - Introductions of youth presenter by Commissioner Andra Wisian
3. Comments from the bench to share items of community interest as allowed under and limited by Texas Government Code Section 551.0415.
 - Commissioner Christina Bergmann, Precinct 1
 - Commissioner Andra Wisian, Precinct 2
 - Commissioner Richard Chapman, Precinct 3
 - Commissioner Chad Carpenter, Precinct 4
 - Shane Stolarczyk, County Judge
4. Consideration and action on approval of the Minutes for February 13, 2023: Paula Pfeiffer, Deputy Clerk
5. February 2023 Service Awards:

Tammy Aldrich	Sheriff Office	10 Years
Ramon Eslora	Sheriff Office	20 Years
6. Summary of Operations for January 2023: Jean Maxwell, Road & Bridge; Operations
7. Summary of Road Work for January 2023: Don L Evans, Road & Bridge
8. Consideration and action on the approval of monthly reports from fee offices as required by law and from departments that collect money for services: Corinna Speer, County Auditor
9. Consideration and action on the approval of accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor

10. Consideration and action on the approval of amending the FY2023 budget through regular budget adjustments: Corinna Speer, County Auditor
11. Presentation and discussion as to the Texas Association of Counties Coverages and Risk Control Services: Corinna Speer, County Auditor
12. Consideration and action on the Investment Report for the 1st Quarter of Fiscal Year 2023 (Oct., Nov., Dec. 2022): Sheryl D'Spain, Treasurer
13. Presentation of Sales Tax Report: Sheryl D'Spain, Treasurer
14. Consideration and action to accept the Racial Profiling Reports for the Sheriff's Office: Al Auxier, Sheriff
15. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
16. 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. Pursuant to the Commissioners Court's rules of procedure and decorum, each person who appears before the court shall be limited to a maximum of three (3) minutes to make their remarks.
17. Consideration and action on a resolution approving and adopting the Hazard Mitigation Plan: Jeff Fincke, EMC
18. Discussion of the upcoming 88th Texas Legislative session relating to the authority of counties to protect the operations of regional military installations and action on a resolution to support military installations in the region: Shane Stolarczyk, County Judge
19. Consideration and action to authorize letter(s) of permission for the Kendall County Youth Agriculture & Equestrian Center for beer and wine to be sold at the Kendall County Republican Party's GO RED Gala on Wednesday, April 19, 2023, with the provision that servers are in accordance with the laws of the State of Texas and the policies of the Texas Alcoholic Beverage Commission: Chad Carpenter, Commissioner Precinct 4
20. Presentation and discussion of the annual report for the Sick Leave Pool Program: Juanita Espino, Human Resources Director
21. Consideration and action to approve the members of the Sick Pool Review Panel: Juanita Espino, Human Resources Director
22. Presentation from the Engineering Department, including a summary of duties and responsibilities of the office along with a list of current and proposed subdivision and development projects: Richard Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
23. Discussion and possible action on seeking a citizen emergency alert and notification system to ensure thorough communication about emergencies and other items of public interest: Andra Wisian, Commissioner Precinct 2
24. Consideration and action to approve the hiring of contract labor in the County Judge's Office for a period of six months (to be effective March 1, 2023) in the amount of \$6,000.00: Shane Stolarczyk, County Judge / Corinna Speer, County Auditor
25. Consideration and action to approve the IT Director as the Administrator for the County Cybersecurity Compliance Training and allow the IT Department to enroll each County employee into the free cybersecurity course that is certified to fulfill Texas Government Code 2054.5191: Richard Chapman, Commissioner Precinct 3 / Brian Stegall, IT Director

26. Consideration and action to approve a proposal for consulting services for an Access Control System Assessment with True North Consulting Group in the amount of \$11,150.00: Richard Chapman: Commissioner Precinct 3
27. Consideration and action as to the signatory authority for potential change orders for the jail expansion project: Richard Chapman, Commissioner Precinct 3
28. Consideration and action on the release of a Letter of Credit for Cordillera Ranch, Unit 304 in the amount of \$711,636.25 for the construction of water and sewer improvements. (CR/KWW Partnership, Ltd.): Richard Chapman, Commissioner Precinct 3 / Richard Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
29. Consideration and action on approving a Cashier's Check Deposit Agreement between North Creek Cottages (B. Jeffrey Brown, North Creek 16 LLC) and Kendall County to serve as a financial guarantee for the satisfactory completion of street and drainage improvements related to the development permit application for North Creek Cottages, Comfort Texas: Chad Carpenter, Commissioner Precinct 4 / Richard Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
30. Consideration and action on a request for relief on Property ID 20745 (Sarah and Allen Hannay, Owners) from the minimum lot size, road frontage, and density requirements of section 5.1 to create a two-lot subdivision served by individual well and OSSF out of a 1.99-acre tract recorded in volume 678 page 579. The proposed division would create a 1.051-acre lot with 139.26 feet of frontage and a 0.945-acre lot with 200.94 feet of frontage: Chad Carpenter, Commissioner Precinct 4 / Richard Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
31. Consideration and action on a request for relief for Dodge Road Section 2.1.F.10, (Lots Larger Than 6 Acres) for the creation of three 6+ acre tracts and the reconfiguration of a 5.3-acre tract out of a parent tract of approximately 23.6 acres. The tracts will be served by individual well and OSSF: Richard Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer

BREAK

EXECUTIVE SESSION (Closed to the public)*

- I. Pursuant to Texas Government Code Section 551.072, to deliberate on 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.)
 1. Lease of 635 Highway 46 East, Boerne, Texas 78006
 2. Hiring of an Inspector to advise Kendall County on the condition of real property being considered for purchase
- II. Pursuant to Texas Government Code Section 551.071 and 551.074, consultation with legal counsel 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. Newsom Winery Health Inspection Compliance
 2. Law Enforcement Center – Turner Construction and related parties
 3. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
 4. Cause No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court

- III. Pursuant Texas Government Code Section 551.074, to deliberate on the appointment, employment, evaluation, reassignment, duties, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee.
1. Deliberate upon the hiring of In-House General Counsel
 2. Deliberate upon the appointment of George Hyde and firm Hyde Kelly LLP as Interim General Counsel
 3. Deliberate upon the hiring of Outside Legal Counsel: Cause No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court

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

32. Action resulting from Executive Session deliberations.

ADJOURNMENT

**The Court reserves the right to adjourn, by majority vote, into Executive Session at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Chapter 551, Open Meetings, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.075, 551.076, 551.087, and 551.089 or to seek the advice of its attorney and/or other attorneys representing Kendall County on any matter in which the duty of the attorney to the Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code or as otherwise may be permitted under chapter 551. Action, if any, will be taken in the open session.*

***This agenda has been reviewed and approved by the Court's legal counsel. This paragraph is intended to constitute a legal opinion of the Court's legal counsel that the presence of any subject in and Executive Session portion of the agenda is properly noticed pursuant to the Texas Open Meetings Act. This constitutes an interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by that attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to that attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.*

Dated this the 23rd day of February 2023.



Shane Stolarczyk
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 23rd day of February 2023.


Denise Maxwell
County Clerk

Posted at 4:00 pm on the 23rd day of February 2023 - man

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.