



Kendall County, Texas Commissioners Court

Shane Stolarczyk, County Judge

Christina Bergmann
Commissioner, Precinct 1

Andra M. Wisian
Commissioner, Precinct 2

Richard Chapman
Commissioner, Precinct 3

Chad Carpenter
Commissioner, Precinct 4

AGENDA

REGULAR SESSION · TUESDAY, OCTOBER 10, 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 quorum of the court will be present at the Kendall County Commissioners Courtroom.

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/Agendas>

PLEASE SILENCE CELL PHONES

1. Call to Order - 9:00 a.m.
2. Pledge of allegiance to the United States Flag / Texas Flag
 - Introduction of youth presenter by Commissioner Andra M. 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 M. Wisian, Precinct 2
 - Commissioner Richard Chapman, Precinct 3
 - Commissioner Chad Carpenter, Precinct 4
 - Shane Stolarczyk, County Judge
4. Declarations of Conflict of Interest – This is an opportunity for members of the Court to identify and disclose actual or perceived conflicts of interest.
5. Consent Agenda:
Items on the Consent Agenda are considered to be of a routine nature and may require only limited discussion. All items under the Consent Agenda are heard and acted upon collectively unless opposition is presented. Any member of the Commissioners Court may request that an item be removed from the Consent Agenda and considered separately for the purpose of discussion and voting.

- a. Consideration and action to approve the minutes for the September 18, 2023 Special Called Meeting, September 19, 2023 Special Called Meeting, and the September 25, 2023 Regular Meeting: Maria Cano, County Clerk's Office;
 - b. Consideration and action on accepting the list of donations received in September 2023, on behalf of Kendall County per Local Government Code § 81.032: Corinna Speer, County Auditor;
 - c. Consideration and action on the transfer of a Harris 7/800 Radio from Emergency Management to the County Judge's Office: Shane Stolarczyk, County Judge.
6. Report on the Boerne Area Model Society (BAMS) upcoming annual Fun Fly: Shane Stolarczyk, County Judge / Frank Pickart, Boerne Area Model Society representative
 7. 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.
 8. Consideration and action to extend the local drought disaster declaration revised on September 25, 2023, until drought conditions subside: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
 9. Swearing in ceremony for Deputy Fire Marshal Brady Constantine: Jeffery Fincke, Fire Marshal
 10. Presentation on a recent technical analysis of the AAMPO boundary in Kendall County and opportunities for Kendall County's participation in AAMPO: Shane Stolarczyk, Kendall County Judge / Andra M. Wisian, Commissioner, Precinct 2 / Sid Martinez, Director AAMPO
 11. Consideration and action to approve the accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
 12. Consideration and action to award the Road and Bridge Bulk Fuel Bid #2024-01 for fiscal year 2024: Corinna Speer, County Auditor
 13. Consideration and action to award the Road and Bridge Various Concrete Work Bid #2024-02 to Slabkat, LLC., for fiscal year 2024: Corinna Speer, County Auditor
 14. Consideration and action to approve the resolution for the 2024 Indigent Defense Formula Grant: Corinna Speer, County Auditor
 15. Consideration and action to approve the resolution for the 2024 Indigent Defense Improvement Grant: Corinna Speer, County Auditor
 16. Consideration and action to hire Neffendorf & Blocker, P.C. to perform the Fiscal Year 2023 independent audit at an amount not to exceed a total of \$28,000: Corinna Speer, County Auditor

17. Consideration and action to proclaim October 10 through Veterans Day, November 11, 2023, as a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service. In addition, in observance of Operation Green Light, Kendall County will display green lights on the courthouse from November 6 through 12, 2023 to honor all those who made immeasurable sacrifices to preserve freedom: Shane Stolarczyk, County Judge / Sheryl D'Spain, County Treasurer
18. Consideration and action to approve the 2023 Property Tax Levy Roll Total of \$39,134,662.59: James Hudson, Tax Assessor-Collector
19. Consideration and action on requesting the County Auditor to conduct an audit of the Kendall County Sheriff's Office Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedure: Al Auxier, Sheriff
20. Consideration and action setting the bond amount for the Fire Marshal as well as a blanket bond for Kendall County Fire Marshal's office: Shane Stolarczyk, County / Jeff Fincke, Fire Marshal
21. Discussion on the Texas Constitutional amendment, Proposition 12, on the November 7th ballot. Sheryl D'Spain, County Treasurer
22. Consideration and action on an agreement with H-E-B to administer vaccinations to employees: Jacqueline Guzman, Human Resources Generalist
23. Consideration and action to approve an amendment to page two (2) of the Kendall County Benefit Election and Confirmation Form with Texas Association of Counties: Jacqueline Guzman, Human Resources Generalist
24. Consideration and action on the transfer of a skid steer from Road & Bridge to the Parks Department: Don L. Evans, Road and Bridge Supervisor
25. Consideration and action on amending the Employee Information Manual for the purpose of designating essential and non-essential personnel, and providing procedures for paying employees during a declared emergency/disaster: Shane Stolarczyk, County Judge / Matthew Grove, General Counsel
26. Consideration and action on the Interlocal Agreement with the City of Boerne for Cost Share Agreement for the Health Inspector: Matthew Grove, General Counsel
27. Consideration and action on approving the traffic control plan presented in Commissioners Court on August 14, 2023: Matthew Grove, General Counsel / Mary Ellen Schulle, County Engineer
28. Consideration and action on the City of Boerne's request for an official letter of support for a grant application for funding to study the Herff/Esser/State Highway 46 intersection in order to increase multi-modal mobility, and official support for discussions with TxDOT regarding projects at this intersection: Andra M. Wisian, Commissioner Precinct 2 / Richard Chapman, Commissioner Precinct 3

29. Consideration and action on Change Order No. 1 between Kendall County and Halff and Associates, pursuant to RFQ 2022-06, to add additional services up to \$30,000 to the contract for FY24: Mary Ellen Schulle, County Engineer
30. Consideration and action regarding 8A Smiser-Smith Rd on a request for relief from the road frontage and platting requirements in accordance with 2.1.F.3.d of the 2022 Kendall County Development Regulations. The proposed division would create a +/- 32.4-acre tract and a +/- 116.8-acre tract out of a parent tract of +/- 149 acres. Access to the tracts would be over a proposed 30-foot wide easement for roadway purposes to an existing 30-foot wide easement for ingress and egress to FM 474. The tracts will be served by individual well and on-site sewage facilities. (Owner: Gary Frashier Land Partners II, Ltd.): Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, County Engineer
31. Consideration and action on a request for relief from the road frontage and platting requirements in accordance with Section 2.1.F.3.c of the Kendall County Development Regulations. The proposed division would create a 20.031-acre tract (Tract 1) and a 19.003-acre tract (Tract 2) out of a 39.03-acre tract. Access to the tracts would be over an existing 50' wide easement for roadway purposes to Walnut Grove Rd. The tracts would be served by individual well and on-site sewage facilities. (Owner: Kyle Greco - Boerne Assets, LLC): Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County Engineer
32. Consideration and action on a request for relief from the road frontage and platting requirements in accordance with Section 2.1-F-10.c of the Kendall County Development Regulations. The proposed division would create an approximately 6.3-acre tract and an approximately 13.5-acre tract out of a 19.76-acre tract. Access to each tract would be over a 30' wide fee simple strip to an existing 50' wide easement to Walnut Grove Rd. A 60' wide easement would be placed over the two 30' strips for shared access. The tracts would be served by individual well and on-site sewage facilities. (Owner: James Hudson) Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County Engineer
33. Consideration and action on a Final Plat of George's Ranch Unit 1 in accordance with the 2010 Kendall County Development Rules and Regulations. The proposed private residential subdivision would create 134 lots out of 196.5 acres with an average density of 1.46 acres per lot and 14,264 linear feet of private roadway. The proposed subdivision will be served by public water and individual on-site sewage facilities. (Owner: Lookout Development Group, LP): Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, County Engineer
34. Consideration and action on accepting the financial guarantee for George's Ranch Unit 1 in the form of a bond in the amount of ten million one hundred sixty-three thousand ninety-eight dollars and thirty-eight cents (\$10,163,098.38) for construction of utilities, roads, drainage, and other infrastructure improvements: Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, County Engineer
35. Consideration and action on accepting the financial guarantee for George's Ranch Unit 1 in the form of a cash deposit in the amount of twenty-three thousand two hundred fifty-five dollars and no cents (\$23,255.00) for submittal and approval of a letter of map revision: Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, County Engineer

BREAK

EXECUTIVE SESSION (Closed to the public)*

- I. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 551.072 (Real Property) the deliberation of the purchase, exchange, or lease or value of real property. (Note: The deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)
 1. Discussion regarding the purchase of office/ warehouse/ and other space for the county
- II. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 551.074 (Personnel Matters), 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. Security and public safety regarding the upcoming Eclipse event
 2. Duties and responsibilities of Proposition A Committee
 3. Legal advice on personnel policies
 4. Salary Committee
 5. Library Board Appointments
 6. Kendall County Development Rules and Regulations
 7. Legal advice regarding public health emergencies
 8. Updates on pending litigation
 9. Legal advice regarding transportation issues throughout the County
 10. County parking lot renovations
 11. Legal Advice regarding BKCEDC
 12. Possible lease agreement of county property
 13. Possible participation in transportation projects with TxDOT
 14. ETJ Interlocal Agreement between the City of Boerne and Kendall County
 15. Nolan Newsom Litigation

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

36. 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 5th day of October 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 5th day of October 2023.


Denise Maxwell
County Clerk

Posted at 4:30pm on the 5th day of October 2023 - 11 AM

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.