



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 · MONDAY, MAY 8, 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/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 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
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 on the approval of minutes for April 21, 2023 Regular Meeting and the April 24, 2023 Special Called Meeting: Paula Pfeiffer, Deputy Clerk;
 - b. Presentation of Sales Tax Report for March 2023 in the amount of \$430,796.67:
Sheryl D'Spain, County Treasurer
 - c. Discuss and approve Investment Report 2nd Quarter Fiscal Year 2023 (January, February, and March 2023): Sheryl D'Spain, County Treasurer
 - d. Discuss and approve cash summary at Frost Bank for March 2023: Sheryl D'Spain, County Treasurer
 - e. Consideration and action on accepting the list of donations on behalf of Kendall County per Local Government Code 81.032: Corinna Speer; County Auditor
6. Recognize the 4-H Members that competed at the following major stockshows across Texas - The Grandstand Livestock Show, San Antonio Livestock Show, Fort Worth Livestock Show, San Angelo Livestock Show, Houston Livestock Show and Austin Livestock Show. Also, recognition of the 4-H members that competed at District 10 4-H Spring Round Up Contest: Shane Stolarczyk, County Judge / Stephen Zoeller, AgriLife Extension
 7. Consideration and action on proclaiming May 2023 as Mental Health Month in Kendall County: Shane Stolarczyk, County Judge / Staci Almager, CEO Hill Country Family Services
 8. Consideration and action on proclaiming Sunday, May 14, 2023 - Saturday, May 20, 2023 as National Police Week: Shane Stolarczyk, County Judge / Al Auxier, Sheriff
 9. 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.
 10. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
 11. Consideration and action on the approval of accounts payable claims for purchases, services and vendors: Corinna Speer, County Auditor
 12. Consideration and action to approve the revised 457(b) deferred compensation agreement with American United Life Insurance Company: Shane Stolarczyk, County Judge / Jacqueline Guzman, Human Resources Director / Ronny Pinckard, Advisor with InNet Financial Group
 13. Consideration and action regarding a legal research database subscription for the General Counsel's Office: Shane Stolarczyk, County Judge / Matthew Grove, General Counsel / Nicole Bishop, Criminal District Attorney
 14. Consideration and action for road closures for Comfort's Independence parade on July 1, 2023 from 6:30 A.M to 11:30 A.M. These road closures are as follows: Idlewilde Boulevard; Daniel Drive; Edgewood Drive; Part of Hwy 87 and Hwy 27; Lindner Avenue; High Street from Lindner Avenue to 5th Street; 5th Street from High Street to Broadway; and Broadway from 5th Street to 7th Street: Chad Carpenter, Commissioner Precinct 4

15. Consideration and action allowing the Comfort Chamber of Commerce permission to use the north portion of Kendall County property at Main and 8th Streets (Parcel ID: 21388/Faltin Field) for parade parking during the Comfort Independence Celebration July 1, 2023: Chad Carpenter, Commissioner Precinct 4
16. Consideration and action giving the Comfort Chamber of Commerce permission to sell beer on July 1, 2023, at the Comfort Park, from 9:00 A.M. until 3:00 P.M. at their booth during Comfort's annual Independence Day celebration: Chad Carpenter, Commissioner Precinct 4
17. Consideration and action to remove asset ID 4827, a 2016 Ford F-250 Pick-up with SuperCab, from a previously approved surplus and salvage property list: Christina Bergmann, Commissioner Precinct 1
18. Consideration and action to transfer the decommissioned ambulance, a 2014 Dodge Ram 3500 (Unit 2790), from EMS to the Sheriff's Office: Al Auxier, Sheriff
19. Discussion regarding current and future county obligations pertaining to law enforcement, firefighting, and EMS service to developments in the ETJ: Christina Bergmann, Commissioner Precinct 1
20. Presentation and discussion on the new flood monitoring gauge on Cypress Creek above Comfort by Mike Nyman from USGS Office: Chad Carpenter, Commissioner Precinct 4 / Jeffrey Fincke, Emergency Management / Danny Morales, Assistant Fire Chief Comfort VFD
21. Presentation and discussion regarding the monthly Engineering Department update: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
22. Consideration and action on approving a specified rate contract with BGE for GIS services: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
23. Consideration and action on the release of Letter of Credit for Bergheim Business Park in the amount of \$375,628.73 for roadway and drainage improvements. (Bergheim Business Park, LLC): Richard Chapman, Commissioner Precinct 3 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
24. Consideration and action on accepting right-of-way along Daisy Lane: Christina Bergmann, Commissioner Precinct 1 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
25. Consideration and action on the release of Letter of Credit for Cordillera Ranch, Final Plat Unit 303 in the amount of \$165,359.00 for water and sewer improvements. (CR/KWW Partnership, Ltd.): Richard Chapman, Commissioner Precinct 3 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant 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 space for Precinct 2 Justice of the Peace and other personnel
 2. Discussion regarding the purchase of office/ warehouse/ and other space for the county
 3. Discussion regarding Surplus North Tract No. 1

- 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. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
 2. County fire protection and firefighter duties, responsibilities, and service
 3. Personnel and sexual harassment policies and procedures
 4. Matthew Dietz vs. Kendall County Sheriff Al Auxier, Kendall County Sheriff's Office, and Kendall County, Texas
 5. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
 6. Newsom Winery Health Inspection Compliance
 7. Cause No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
 8. Reappointment of George Hyde and firm Hyde Kelly LLP for future litigation and county services
 9. CA No. 5:22-cv1073; Chris Kniffin v. Kendall County, in the United States District Court for the Western District of Texas, San Antonio Division.

- III. Pursuant to Chapter 551 of the Texas Government Code § 551.076 (Security Devices or Audits) and § 551.089 (Security Devices or Audits), the deliberation and discussion concerning the following: the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices; security audits/security assessments; and network security information as described by Section 2059.055(b).
 1. Security for Eclipse events

- IV. Pursuant Texas Government Code Section 551.071 (Attorney Consultation) to deliberate and seek legal advice 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. Duties and responsibilities of the County Engineer

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

26. Action resulting from Executive Session deliberations
27. Consideration and action regarding an order by the Commissioners Court of Kendall County, Texas authorizing the issuance of "Kendall County, Texas "Limited Tax General Obligation Bonds, Series 2023"; Levying an annual Ad Valorem Tax, within the limitations prescribed by law, for the payment of the bonds; Authorizing the execution of any necessary engagement agreements with the County's Financial Advisors; and providing an effective date: Shane Stolarczyk, County Judge / Corinna Speer, County Auditor

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 4th day of May 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 4th day of May 2023.

Denise Maxwell
County Clerk

Posted at _____ on the 4th day of May 2023

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.