



# 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

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## AGENDA

**REGULAR SESSION · MONDAY, JULY 24, 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 July 10, 2023 Commissioners Court Regular Session and the July 11-13, 2023 Budget Workshops: Paula Pfeiffer, Deputy Clerk;
  - b. Consideration and action to approve June 2023 Fee Office Reports: Corinna Speer, County Auditor;
  - c. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustments: Corinna Speer, County Auditor;
  - d. Report Progress of Road Work: Don L Evans, Road & Bridge Supervisor;
  - e. Summary of Operations for June 2023: Don L Evans, Road & Bridge Supervisor.
6. June 2023 Service Awards:
- |                          |         |          |
|--------------------------|---------|----------|
| Virginia (Diane) Elliott | CDA     | 5 Years  |
| Justin Granado           | Sheriff | 5 Years  |
| Lorisa Hill              | Sheriff | 5 Years  |
| Debby Hudson             | JP 3    | 40 Years |
7. Recognize the 4-H Members that competed at the Texas 4-H State Round Up Contest and State 4-H Dog Show: Stephen Zoeller, County Extension Agent / Hilary Putrite, 4-H Program Coordinator
  8. Recognize the passage of HB 3765 and Day One Bag's efforts to secure this legislation for foster youth throughout the State of Texas and in Kendall County: Shane Stolarczyk, County Judge / Kirsten Cohoon, 451<sup>st</sup> District Judge
  9. Consideration and action regarding upgrades to the small second-floor courtroom: Shane Stolarczyk, County Judge / Kirsten Cohoon, 451<sup>st</sup> District Judge / Brian Stegall, IT Director
  10. 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.
  11. Consideration and action on the burn ban pursuant to Texas Local Government Code § 352.081: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
  12. Consideration and action as to accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
  13. Discussion regarding the district clerk's certification of the order for the County Auditor's salary in accordance with Texas Local Government Code § 152.031(b). The Commissioners Court shall cause the order to be recorded in its minutes following its observance of the order: Susan Jackson, District Clerk / Matthew Grove, General Counsel
  14. Consideration and action to appoint Richard Chapman, Commissioner Precinct 3, as a board member of the Kendall County Public Safety Corporation: Andra M. Wisian, Commissioner Precinct 2

15. Consideration and action on the approval of the Lease Agreement with Market Days Management to allow the use of the Courthouse grounds for Market Days October 14 – 16, 2023: / Shane Stolarczyk, County Judge / David Querbach, Market Days Management
16. Consideration and action to approve a two-month contract with Inspiron Logistics to start the countywide WENS Alert System immediately. The total value of the contract is \$415.84: Richard Chapman, Commissioner Precinct 3 / Jeff Fincke, Emergency Management Coordinator
17. Discussion on a proposed amended Extra Territorial Jurisdiction agreement with the City of Boerne: Chad Carpenter, Commissioner Precinct 4 / Andra M. Wisian, Commissioner Precinct 2
18. Consideration and action to add a Second Amendment to the Kendall County EMS Agreement for Ambulance Transport Billing and Collection Services for Ground Ambulance reporting: Brian Webb, EMS Administrator
19. Consideration and action on a request to change the Charity Care Policy from 150% to 400% of the Federal Poverty Level: Brian Webb, EMS Administrator
20. Consideration and action on a request for Kendall County to enter into an agreement with South Texas Blood and Tissue Center for Low Titer O Whole Blood to be used in the Kendall County EMS Whole Blood Program: Brian Webb, EMS Administrator
21. Consideration and action on a request to apply for the LCRA's Community Development Partnership Program Grant: Brian Webb, EMS Administrator
22. Consideration and action to allow General Counsel to draft an agreement between TxDOT and Kendall County to allow for the sharing of personnel and equipment on an as-needed basis while staying within the limits of the law. Also, this agreement will allow the County Judge to sign such an agreement: Richard Chapman, Commissioner Precinct 3
23. Consideration and action to award Seal Coat Bid #2023-04 - Alternate Bid only in the amount of \$1,299,049.16 to DIJ Construction for FY23: Corinna Speer, County Auditor
24. Consideration and action on approving an amendment to the cash deposit agreement for Miralomas Unit 2 financial guarantee: Ron Jones, Engineer / Wesley Speer, Project Manager
25. Consideration and action on a plat revision of the Deer Lakes Subdivision Lots 19 and 20 as recorded in Volume 1 page 66 and Volume 1 page 91 of the Kendall County Plat Records in accordance to Kendall County Development Regulations. A public hearing was held on June 26, 2023 and one letter was received in opposition to the plat revision. The lots will be served by individual well and on-site sewer facility: Ron Jones, Engineer / Wesley Speer, Project Manager

**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. County fire protection and firefighter duties, responsibilities, and service
  2. Cause No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
  3. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
  4. 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
  5. Opioid Litigation
  6. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
  7. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX
  8. Employee exit interviews and policies
  9. Kendall County Assistance District Rules, Regulations, and Policies
  10. Kendall County's representation on the BKCEDC board of directors
  11. Security and public safety regarding the upcoming Eclipse event
  12. Duties and responsibilities of County Engineer
  13. Duties and responsibilities of the Facilities Manager
  14. Duties and responsibilities of the Fire Marshall
  15. Miscellaneous County Rules and Regulations

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

26. 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 20<sup>th</sup> day of July 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 20<sup>th</sup> day of July 2023.

By:   
Denise Maxwell  
County Clerk

Posted at 3:45 pm on the 20<sup>th</sup> day of July 2023 -MAM

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.