



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, AUGUST 14, 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 July 19, 2023 Special Called Meeting, July 24, 2023 Regular Session, and August 8, 2023 Special Called Meeting: Maria Cano, County Clerk's Office;
 - b. Consideration and action to approve cash summary at Frost Bank for June 2023: Sheryl D'Spain, County Treasurer;
 - c. Consideration and action to approve Investment Report Third Quarter Fiscal Year 2023 (April, May, and June 2023): Sheryl D'Spain, County Treasurer;
 - d. Ratify the South Texas Blood and Tissue Center for Low Titer O Whole Blood agreement that was approved in Commissioners Court on July 24, 2023: Brian Webb, EMS Administrator
 - e. Consideration and action to declare the attached list as surplus and salvage property and to proceed with disposition through an online county auction: Corinna Speer, County Auditor;
 - f. Consideration and action on accepting the list of donations on behalf of Kendall County per Local Government Code § 81.032: Corinna Speer, County Auditor;
 - g. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustments: Corinna Speer, County Auditor.
6. **Public Hearing 9:15 a.m.** Proposed order regulating vehicular traffic on county roads. Proposed regulations will include the placement of stop signs and speed limit signs in the unincorporated area of the county. The proposed traffic regulations will be considered by the court and the court will receive comments from the public regarding the proposed regulations at its regular meeting to be held on the 14th day of August 2023 at 9:15 a.m.: Richard Chapman, Commissioner Precinct 3 / Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
7. **Public Hearing 9:15 a.m.** Proposed order regulating vehicular traffic on county roads. Proposed regulations will include the regulation of traffic on real property owned by Kendall County in the unincorporated area of the county, specifically Connally Way, Precinct 4. The Proposed traffic regulations will be considered by the court and the court will receive comments from the public regarding the proposed regulations at its regular meeting to be held on the 14th day of August 2023 at 9:15 a.m.: Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
8. Presentation and discussion on 4H leadership groups' need for volunteers for the upcoming Kendall County Fair: Hilary Putrite, AgriLife Extension
9. Consideration and action to declare September 1, 2023 as a County Holiday in order to allow Kendall County employees the opportunity to participate in the Kendall County Fair: Shane Stolarczyk, County Judge / Richard Chapman, Commissioner Precinct 3
10. Consideration and action to declare all future Fridays before the Kendall County Fair as Kendall County Fair Day and authorizing it as a Kendall County Holiday: Shane Stolarczyk, County Judge / Richard Chapman, Commissioner Precinct 3 / Shane Boerner, President Kendall County Fair Association / Bill Schussler, First Vice President, Kendall County Fair Association
11. Discussion regarding an opportunity to work with the Camp Bullis Sentinel Landscape Partnership to Bolster Proposition A Funding with a possible partnership with the US Department of Defense

Readiness and Environmental Protection Integration (REPI) Program: Shane Stolarczyk, County Judge / Daniel Oppenheimer, CBSL Coordinator and Land Program Director

12. Consideration and action to proclaim August 17, 2023 as Non-Profit Day in Kendall County: Shane Stolarczyk, County Judge / Kim Blohm, Greater Boerne Chamber of Commerce
13. Recognition of Deputy Jared Moore for being awarded the prestigious "School Resource Officer of the Year" in the State of Texas: Shane Stolarczyk, County Judge / Al Auxier, Sheriff
14. 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.
15. Consideration and action to extend the local drought disaster declaration dated August 7, 2023 until drought conditions subside: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
16. Consideration and action on the burn ban pursuant to Texas Local Government Code § 352.081: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
17. Consideration and action as to accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
18. Consideration and action to use \$1,540.00 of fees collected under Texas Local Code § 41.005 of the Government Code for the collection of bond forfeitures to support the Kendall County Employee Picnic scheduled on September 30, 2023, from 11:00 a.m. to 3:00 p.m. at the Kendall County Joshua Springs Park and Preserve: Shane Stolarczyk, County Judge / Nicole Bishop, Criminal District Attorney
19. Consideration and action to choose a Security Platform for County operations: Richard Chapman, Commissioner Precinct 3
20. Discussion and update on Proposition A: Shane Stolarczyk, County Judge / Rusty Busby, Proposition A Committee Chairman
21. Presentation, discussion, and possible action on the Regional Conservation Partnership Program (RCPP) and Kendall County's potential involvement in a proposal for \$25 million in Hill Country conservation easement purchases: Shane Stolarczyk: County Judge / Frank Davis Presentation, Chief Conservation Officer, Regional Conservation Partnership/ Hill Country Conservancy
22. Presentation and discussion by Gap Strategies addressing Growth and Conservation in Texas, A Primer on County Tools and Paths Forward: : Shane Stolarczyk, County Judge / Jeff Barton, Gap Strategies

23. Discussion and update on Community Wildfire Protection Plan: Shane Stolarczyk, County Judge / Christina Bergmann, Commissioner Precinct 1 / Christie Wiley, Communicate 2 Succeed, LLC
24. Consideration and action to seek State and/or Federal grants related to the Wildfire Protection Plan: Shane Stolarczyk, County Judge / Christina Bergmann, Commissioner Precinct 1 / Christie Wiley, Communicate 2 Succeed, LLC
25. Consideration and action regarding a Kendall County resolution opposing/ rejecting the City of Boerne Major Thoroughfare Plan that impacts property owners outside the city limits of Boerne: Chad Carpenter, Commissioner Precinct 4 / Andra M. Wisian, Commissioner Precinct 2
26. Consideration and action approving an amended Interlocal Agreement between Kendall County and the City of Boerne: Chad Carpenter, Commissioner Precinct 4 / Andra M. Wisian, Commissioner Precinct 2
27. Consideration and action to approve the addendum to the service agreement between 1st FP Services, LLC and Kendall County for the inspection and repairs needed for the Law Enforcement Center not to exceed \$2,460.00: Kelton Auxier, Acting Facilities Manager
28. Consideration and action to approve the addendum to the service agreement between 1st FP Services, LLC and Kendall County for the repairs needed for the Historic Courthouse not to exceed \$580.00: Kelton Auxier, Acting Facilities Manager
29. Consideration and action to approve the capital outlay purchase of an EDCO Concrete Surface Grinder in the amount of \$6,671.89 and move funds as appropriate: Kelton Auxier, Acting Facilities Manager
30. Consideration and action to allow the Comfort Volunteer Fire Department to sell food and beer at the Comfort Park as a fundraiser during the Eclipse event on October 14, 2023. Proceeds will benefit the Comfort Volunteer Fire Department: Chad Carpenter, Commissioner Precinct 4
31. Consideration and action on approving the First Amendment to the Interlocal Agreement with Hill Country Regional Public Defender's Office for the purpose of changing the billing terms of the original agreement: Matthew Grove, General Counsel
32. Consideration and action on approving the Interlocal Agreement with the Hill Country Regional Public Defender's Office for the purpose of participating in the HCRPDO for the Fiscal Year 2023 – 2024: Matthew Grove, General Counsel
33. Presentation, discussion, and possible action on the 2023 Calculated Tax Rates for Kendall County, the No-New-Revenue Tax Rate and Voter-Approval Tax Rate: Shane Stolarczyk, County Judge / James Hudson, Tax Assessor-Collector
34. Discussion and action on a proposal to adopt the rate of \$.3827 per \$100.00 taxable value on the agenda of a future meeting. Since the proposed rate of \$.3827 is higher than the No-New-Revenue Tax Rate, notice must be published and a public hearing scheduled for September 7, 2023, at 10:30 a.m.: Shane Stolarczyk, County Judge / James Hudson, Tax Assessor-Collector

35. Consideration and action on approving the Final Plat of Cordillera Ranch Unit 305 in accordance with the 1997 Kendall County Development Rules and Regulations. The proposed plat would create 42 residential lots and 7,720 linear feet of private roadway. The proposed private subdivision would be served by public water and individual on-site sewage facilities: Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
36. Consideration and action on accepting the financial guarantee for Cordillera Ranch Unit 305 in the form of a letter of credit in the amount of one million eight hundred ninety-eight thousand six hundred sixty-one dollars and sixty-seven cents (\$1,898,661.67) for street and drainage improvements and four hundred and forty-one thousand ninety-nine dollars and six cents (\$441,009.06) for water improvements in the subject subdivision: Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
37. Consideration and action on approving the Final Plat of Cordillera Ranch Unit 13 in accordance with the 1990 Kendall County Development Rules and Regulations. The proposed plat would create 28 residential lots and 3,511 linear feet of private roadway. The proposed private subdivision would be served by public water and individual on-site sewage facilities: Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
38. Consideration and action on accepting the financial guarantee for Cordillera Ranch Unit 13 in the form of letter of credit in the amount of nine hundred thirty-four thousand seven hundred twenty dollars twenty-five cents (\$964,720.25) for street and drainage improvements and two hundred and thirty-six thousand and forty-six dollars (\$236,046.00) for water improvements in the subject subdivision: Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
39. Consideration and action on approving an amending plat of Cordillera Ranch Unit 202 Lots 17-19 Block B in accordance to the Kendall County Development Rules. The purpose of the amending plat is to eliminate the lot line between lots 17 and 18 and the lot line between lots 18 and 19, creating a 1.58-acre lot (lot 17A) and a 1.57-acre lot (lot 19A). The proposed lots will be served by central water and central sewer: Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
40. Consideration and action on approving an amending plat of Sleepy Hollow Subdivision for Lot 2A and Lot 2B in accordance to the Kendall County Development Rules. The purpose of the amending plat is to adjust the easement through Lot 2A providing access for Lot 2B to Cedar Ridge Road. The easement is being moved to the southeast end of Lot 2A. The Lots are served by well and septic: Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, Acting County Engineer / Ron Jones, Staff Engineer
41. Presentation and discussion regarding pending developments within the county: Mary Ellen Schulle, Acting 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. Duties and responsibilities of commissioners court by general counsel
 2. Kendall County Public Safety Corporation
 3. County fire protection and firefighter duties, responsibilities, and service
 4. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX and other properties
 5. Duties and responsibilities of County Engineer
 6. Cause No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
 7. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
 8. 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
 9. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
 10. Discussion regarding Hyde Law Firm fees to the county
 11. Kendall County's representation on the BKCEDC board of directors
 12. Security and public safety regarding the upcoming Eclipse event

- III. Pursuant to Texas Government Code § 551.087 (Deliberation Regarding Economic Development Negotiation), to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

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

42. 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 10th day of August 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 10th day of August 2023.


Denise Maxwell
County Clerk
By: Paula Feffer, Deputy
-MAM

Posted at 4:05 pm on the 10th day of August 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.