



# 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, MAY 22, 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
  - 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 – 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 on the approval of minutes for May 8, 2023 Regular Meeting: Paula Pfeiffer, Deputy Clerk;
  - b. Consideration and action to approve April 2023 Fee Office Reports: Corinna Speer, County Auditor;
  - c. Summary of Road Work for April 2023: Don L Evans, Road Supervisor, Road & Bridge;
  - d. Summary of Operations for April 2023: Jean Maxwell; Operations Manager, Road & Bridge; Operations Department
6. May 2023 Service Awards:
- |                   |             |          |
|-------------------|-------------|----------|
| Carlos Gumaro     | R&B         | 5 Years  |
| George Frisbee    | R&B         | 5 Years  |
| Bonnie Junek      | Audit       | 5 Years  |
| Jose Nunez        | R&B         | 5 Years  |
| Clifford Thompson | Solid Waste | 5 Years  |
| Brett Humphus     | EMS         | 10 Years |
| Edward Huerta     | Facilities  | 10 Years |
7. **9:15 AM Public Hearing:** Application filed by April Berry Massey for the proposed revision of the subdivision plat for The Lindner's addition Second Section, part of Lot 1 filed in Volume 82 Page. 227 of the plat records of Kendall County, Texas: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer / Chad Carpenter, Commissioner Precinct 4
  8. **9:15 AM Public Hearing:** Application filed by Miralomas Development Corporation for the proposed partial cancellation of the subdivision plat for Miralomas Garden Homes Subdivision Unit 1 filed in Volume 8 Page 157 and Volume 9 Page 144 of the plat records of Kendall County, Texas: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer / Christina Bergmann, Commissioner Precinct 1
  9. Consideration and action regarding the selection of Frost Bank as the Depository for Kendall County: Sheryl D'Spain, County Treasurer
  10. Consideration and action on proclaiming the week of May 7 - 13 as National Prevention Week in Kendall County: Shane Stolarczyk, County Judge / Andrea Salazar, Youth Prevention Director, San Antonio Council on Alcohol and Drug Awareness
  11. Consideration and action on proclaiming the week of May 21 - 27 as Emergency Medical Services Week in Kendall County: Shane Stolarczyk, County Judge / Brian Webb, EMS Administrator
  12. 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.
  13. Consideration and action on the burn ban pursuant to Texas Local Government Code § 352.081: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal

14. Consideration and action as to accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
15. Consideration and action regarding the adoption of the job description for Facilities Manager: Juanita Espino, Human Resources Director
16. Consideration and action to approve the re-negotiated 457(b) deferred compensation agreement with American United Life Insurance Company: Shane Stolarczyk, County Judge; Jacqueline Guzman, Human Resources Clerk II
17. Discussion regarding Agreement to Stimulate, Encourage, and Develop Business Location and Commercial Activity between Buc-ee's and Kendall County dated October 6, 2016, and other relevant activities of the parties: Shane Stolarczyk, County Judge / Stan Beard, Jr., Buc-ee's, Ltd.
18. Consideration and action as to Change Order No. 1 between Kendall County and Terracon Consultants Inc., pursuant to RFQ 2022-06, for additional services in the amount of \$9,413.00. The total amount of services to Terracon shall not exceed \$30,494.00 for the Kendall County Jail Expansion. (Fund: 70-512-55130): Richard Chapman, Commissioner Precinct 3 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
19. Consideration and action regarding the cancellation of Lot 1030, Block 'Z', Cordillera Ranch Unit 201, as shown on the Final Plat recorded in Volume 4, Pages 331 - 332, Plat Records of Kendall County: Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, Assistant County Engineer / Ron Jones, Engineer
20. Consideration and action concerning an exemption to the competitive bid process for Butler-Cohen as authorized by Texas Local Government Code §§ 262.024(a)(2), (3) and (4) for the purchase of HVAC installation and repair services at Kendall County Probation in an amount not to exceed \$429,430.13, and authorizing Commissioner Richard Chapman, Precinct 3, to approve any change order that involves the increase or decrease in cost of \$50,000.00 or less as authorized by Local Government Code § 262.031(b). (Fund: 2022 Bonds): Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, Assistant County Engineer / Ron Jones, 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. 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. Mass Gathering Permits for Kendall County
  10. Federal and State Labor Laws Impacting Kendall County

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

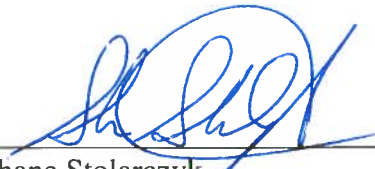
21. Action resulting from Executive Session deliberations

## **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 18<sup>th</sup> day of May 2023.

  
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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 18<sup>th</sup> day of May 2023.

By:   
\_\_\_\_\_  
Denise Maxwell  
County Clerk

Posted at 4:47 pm on the 18<sup>th</sup> day of May 2023 - MTW

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.