



# 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, JUNE 12, 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 to approve Commissioner Court Minutes - May 15, 2023 Special Session, May 15, 2023 Budget Workshop, May 22, 2023 Regular Session, May 23 & 24, 2023 Budget Workshop, and May 30 & 31, 2023 Special Called Meeting: Paula Pfeiffer, Deputy Clerk;
  - b. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustments: Corinna Speer, County Auditor;
  - c. Consideration and action to approve the cash summary at Frost Bank for April 2023: Sheryl D'Spain, County Treasurer
6. Recognizing children for participation in Lemonade Day, a free community-wide educational event providing the opportunity to learn and apply entrepreneurial thinking: Shane Stolarczyk, County Judge
  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 on the burn ban pursuant to Texas Local Government Code § 352.081: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
  9. Consideration and action as to accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
  10. Consideration and action on a request to transfer a Precinct 1 Constable Harris XG-75 Radio (Property Tag. 4376, Serial No. A40204003134) and a Precinct 4 Constable XG-75 Radio (Property Tag. 4343, Serial No. A4024003131) to the Precinct 3 Constable's Office: Gene Serene, Constable Precinct 3
  11. Consideration and action to approve a request for a quote from the Texas Association of Counties Health and Employee Benefits Pool in accordance with the Texas Local Government Code Chapter 262: Shane Stolarczyk, County Judge / Jacqueline Guzman, Human Resources Clerk II
  12. Consideration and appropriate action on the Addendum to the Service Agreement Between 1st FP Services, LLC and Kendall County for 1st FP Services to perform modification services for the Kendall County Courthouse in an amount not to exceed \$2,292.00. (Fund: Facilities): Kelton Auxier, Acting Facilities Manager / Matthew Grove, General Counsel
  13. Consideration and appropriate action on the Addendum to the Service Agreement Between 1st FP Services, LLC and Kendall County for 1st FP Services to perform installation services for the Kendall County Courthouse in an amount not to exceed \$953.00. (Fund: Facilities): Kelton Auxier, Acting Facilities Manager / Matthew Grove, General Counsel

14. Consideration and action regarding a new funding request for Das GreenHaus for the year 2023. This funding will allow Das GreenHaus to cover costs for purchasing operating assets/FFE, website development, programming/licensing, and prepaid rent for one year. The funding request is \$290,000.00: Chad Carpenter, Commissioner Precinct 4 / Kathy Estes, Das GreenHaus, Board President
15. Consideration and action to rescind the request to TxDot to obtain Surplus North Tract No. 1: Richard Chapman, Commissioner Precinct 3
16. Consideration and action to transfer the decommissioned ambulance, a 2014 Dodge Ram 3500, unit 2790 from EMS to the Sheriff's Office: Shane Stolarczyk, County Judge / Al Auxier, Sheriff
17. Consideration and action on approving the partial cancellation of Miralomas Garden Homes Subdivision Unit 1, recorded in Volume 8, Page 157, and Volume 9, Page 144 of the plat records of Kendall County, Texas: Mary Ellen Schulle, Assistant County Engineer / Christina Bergmann, Commissioner Precinct 1
18. Consideration and action on approving the final plat of Miralomas Garden Homes Subdivision Unit 3 in accordance to the 1997 Development Rules and Regulations and relief granted. The proposed subdivision would create 80 lots out of 53.474 acres for an average density of 0.67 acres/lot and 2,285 linear feet of private roadway. The proposed subdivision would be served by central water and central sewer: Mary Ellen Schulle, Assistant County Engineer / Christina Bergmann, Commissioner Precinct 1
19. Consideration and action on accepting the financial guarantee for Miralomas Garden Homes Subdivision Unit 3 in the form of a cash deposit in the amount of one million, one hundred sixty-six thousand, five hundred eighty-nine, and 55/100 dollars (\$1,166,589.55) for street and drainage improvements in the subject subdivision: Mary Ellen Schulle, Assistant County Engineer / Christina Bergmann, Commissioner Precinct 1
20. Consideration and action on Change Order No. 1 between Kendall County and Kimley Horn pursuant to RFQ 2022-06, to increase the contract by \$12,500.00 for a total contract not to exceed \$25,000.00 for traffic engineering services (Fund:10-402-54861): Mary Ellen Schulle, Assistant County Engineer
21. Consideration and action on releasing the financial guarantee for Cordillera Unit 303 in the amount of \$524,049.45 for roadway and drainage improvements: Mary Ellen Schulle, Assistant County Engineer / Richard Chapman, Commissioner Precinct 3
22. Consideration and action on releasing the financial guarantee for Cordillera Unit 304 in the amount of \$1,927,148.96 for roadway and drainage improvements: Mary Ellen Schulle, Assistant County Engineer / Richard Chapman, Commissioner Precinct 3
23. Consideration and action to reject all bids received by May 26, 2023, Bid #2023-03 and granting permission to re-advertise and rebid Seal Coat FY 2024: Corinna Speer, County Auditor / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer

24. Consideration and action on executing the Upper Cibolo Creek Watershed Supplemental Watershed Agreement No. 1, Flood Retarding Structure No. 2: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
25. Consideration and action regarding the renewal for the Department of State Health Services Interlocal Cooperation Contract regarding remote birth services: Denise Maxwell, County Clerk

**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
  2. 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. County fire protection and firefighter duties, responsibilities, and service
  2. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
  3. 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.
  4. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX
  5. Cause No. 5:23-CV-00683-FB; Gabriel Miranda v. Kendall County, in the United States District Court for the Western District of Texas, San Antonio Division

**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 8<sup>th</sup> day of June 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 8<sup>th</sup> day of June 2023.

By:   
Denise Maxwell  
County Clerk

Posted at 5:15pm on the 8<sup>th</sup> day of June 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.