



# 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 26, 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 Commissioner Court Minutes - June 12, 2023 Regular Session, June 20 & 21, 2023 Budget Workshop, and June 22 Public Hearing: 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 May 2023 Fees of Office Reports: Corinna Speer, County Auditor;
  - d. Consideration and action on accepting the list of donations on behalf of Kendall County per Local Government Code 81.032: Corinna Speer, County Auditor;
  - e. Consideration and action to approve the cash summary at Frost Bank for May 2023: Sheryl D'Spain, County Treasurer;
  - f. Summary of Road Work For May 2023: DonL Evans, Road & Bridge
  - g. Summary of Operations For May 2023: Jean Maxwell, Operations Manager, Road & Bridge
6. June 2023 Service Awards:
- |                 |                      |                      |
|-----------------|----------------------|----------------------|
| Richard Tobolka | County Engineer      | 15 Years/ Retirement |
| Roger Baker     | Sheriff's Department | 20 Years             |
7. Consideration and action on proclaiming the month of June as Elder Abuse Awareness Month in Kendall County: Shane Stolarczyk, County Judge / Lisa Senteno, APS Faith-Based & Community Engagement Specialist, Department of Family and Protective Services – Region 8
  8. **9:15 AM Public Hearing:** Application filed by Linda Bannister for the proposed revision of the subdivision plat for 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.
  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 pursuant to Texas Local Government Code § 352.081: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
  11. Consideration and action as to accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
  12. Consideration and action on the depository contract for Frost Bank: Sheryl D'Spain, Treasurer
  13. Consideration and action on renewing the Department of State Health Services Grant Agreement Contract No. HHS001312700003 Center under the Center for Health Emergency Preparedness and Response Grant Program: Jeffery Fincke, Emergency Management Coordinator
  14. Consideration and action on entering into an agreement with Southwest Texas Regional Advisory Council (STRAC) for ImageTrend Fire Reporting Software for the county fire department to continue to report incidents. Also, included is the Business Associate Agreement that complies with privacy standards: Jeffery Fincke, Fire Marshal

15. Consideration and action for the transfer of a Manitowoc Icemaker asset tag 3068 from Road & Bridge Department to EMS: Brian Webb, EMS Administrator
16. Consideration and action on approving an amendment to increase the contract amount of \$15,000 to \$53,265.57 for design services supporting the rehabilitation of Upper Cibolo Creek Flood Control Structure #4: Christina Bergmann, Commissioner Precinct 1 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
17. Consideration and action on a request for relief for 4 Flat Rock Creek Road from minimum road frontage and lot size requirements to create a 0.27 acre lot out of a 3 acre tract to be used for cell tower purposes. (Owner: Michael Rusch): Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, Assistant County Engineer
18. Consideration and action on approving a contract amendment with Beaty Palmer for the EMS station at Voss Middle School to include a well in the design: Richard Chapman, Commissioner Precinct 3 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
19. Consideration and action on the approval to solicit bids for the construction of a well at the proposed EMS station at Voss Middle School: Richard Chapman, Commissioner Precinct 3 / Mary Ellen Schulle, Assistant County Engineer / Corinna Speer, County Auditor

**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. 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.
  3. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX
  4. Duties and responsibilities of County Engineer

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

20. 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 22<sup>nd</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 22<sup>nd</sup> day of June 2023.

By: Rachel Garcia, deputy  
Denise Maxwell  
County Clerk

Posted at 4:50 pm on the 22<sup>nd</sup> day of June 2023 -m Am

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.