



# Kendall County, Texas Commissioners Court

**Shane Stolarczyk, County Judge**

**Christina Bergmann**  
Commissioner, Precinct 1

**Andra Wisian**  
Commissioner, Precinct 2

**Richard Chapman**  
Commissioner, Precinct 3

**Chad Carpenter**  
Commissioner, Precinct 4

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## AGENDA

**REGULAR SESSION · MONDAY, FEBRUARY 13, 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 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/Comm.Court.agendas.minutes>

### 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 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 Wisian, Precinct 2
  - Commissioner Richard Chapman, Precinct 3
  - Commissioner Chad Carpenter, Precinct 4
  - Shane Stolarczyk, County Judge
4. Consideration and action on approval of the Minutes for January 23, 2023: Paula Pfeiffer, Deputy Clerk
5. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
6. (9:15 a.m.) Public hearing on the application filed by James & Lisa Jenkins for the proposed plat revision of lot 113A recorded in Volume 8 Page 152 of the Kendall County Plat Records: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
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 approval of amending the FY2023 budget through regular budget adjustments: Corinna Speer, County Auditor
9. Consideration and action on accepting the list of donations on behalf of Kendall County as per Local Government Code 81.032: Corinna Speer, County Auditor
10. Consideration and action on the approval of accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
11. Consideration and action to approve the Interlocal Agreement between Region 8 Education Services Center and Kendall County to provide cooperative purchasing services through a program known as The Interlocal Purchasing System (TIPS): Corinna Speer, County Auditor
12. Consideration and action to participate in the Alamo Area Regional Mitigation Program as part of the CDBG Mitigation Action Plan through the Texas General Land Office: Corinna Speer, County Auditor / Claudia Mora, Regional Services Administrator, AACOG
13. Consideration and action on the approval of the cash summary at Frost Bank December 2022: Sheryl D'Spain, County Treasurer
14. Consideration and action to accept the Racial Profiling Reports for Constables for Precincts 1, 2, 3 and 4: Gene Serene, Constable Precinct 3 / Brian Vaughan, Constable Precinct 4
15. Consideration and action regarding the inclusion of four additional members on the committee approved by the Commissioners Court on January 9, 2023 to educate and advise the Court as to the acquisition of property using the \$20 million bond funding approved by taxpayers in November 2022 under Proposition A. If this item is approved by the Court, the final advisory committee to the Commissioners Court will consist of the County Judge, three citizen volunteers from Precinct 1, three citizen volunteers from Precinct 2, three citizen volunteers from Precinct 3, and three citizen volunteers from Precinct: Shane Stolarczyk, County Judge
16. Announcement of the appointments to the committee to educate and advise the Court as to the acquisition of property using the \$20 million bond funding approved by taxpayers in November 2022 under Proposition A: Shane Stolarczyk, County Judge
17. Consideration and action to approve the updated bylaws of the Kendall County Parks Advisory Board: Joe Reissig, Parks Director
18. Consideration and action to approve the following appointments/reappointments to the Kendall County Parks Advisory Board: Joe Reissig, Parks Director
  - Appointments: Diane Kramer (Precinct 3), Jon Tipton (Precinct 3), and Jill Boyter (Precinct 4).
  - Reappointments: Dale Bransford (Precinct 1) and Andrew Robinson (Precinct 4)
19. Consideration and action to approve closing the following streets for Comfort ISD Anti-Bullying Run/Walk on March 1<sup>st</sup>. The Intersections involved are 6th Street and Main Street, 6th Street and Broadway, 6th Street and Water Street, 7th Street and Water Street, 8th Street and Broadway, 8th Street and Main Street, and 7th Street and Main Street: Chad Carpenter, Commissioner Precinct 4
20. Discussion of 501(c)(3) nonprofit Das GreenHaus's termination of the Economic Development Agreement with Kendall County dated August 22, 2022 regarding the renovation of the public building located at 400 East Blanco Road, Boerne, Texas 78006: Shane Stolarczyk, County Judge

21. Presentation and discussion regarding 501(c)(3) nonprofit Das GreenHaus's proposal for a new Economic Development Agreement with Kendall County and the purpose of said agreement: Kathy Estes, Board President Das GreenHaus
22. Consideration and action on renewing the prisoner housing Interlocal Agreement with Atascosa County: Al Auxier, Sheriff
23. Announcement of appointments to the Alamo Area Council of Governments (AACOG) committees: Shane Stolarczyk, County Judge
24. Presentation of the health and wellness program at Texas Association of Counties by Mark Zollitsch, Wellness Consultant and Ernesto Martinez, Employee Benefits Consultant: Juanita Espino, Human Resources Director
25. Consideration and action to apply for continuation of the Justice Assistance Grant 2024 Funding and of Related Resolution: Nicole Bishop, CDA / Glenda Wilke, Victim Services Coordinator
26. Consideration and action to apply for the continuation of Victims of Crime Act Grant 2024 Funding and of Related Resolution: Nicole Bishop, CDA / Glenda Wilke, Victim Services Coordinator
27. Consideration and action to apply for continuation of Violence Against Women Act Grant 2024 funding and of Related Resolution: Nicole Bishop, CDA / Glenda Wilke, Victim Services Coordinator
28. Consideration and action on executing a specified rate contract with BGE Inc. for general engineering services Kendall County Engineer's department: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
29. Consideration and action on rescinding Commissioners Court approval of the Preliminary Plat of Windmill Ranch Subdivision, in accordance to Section 203 of the 2010 Kendall County Development Rules and Regulations (448 Waring Welfare, LLC): Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
30. Consideration and action concerning a fence on the west side of 114 Rosewood, Boerne, Texas: Christina Bergmann, Commissioner Precinct 1
31. Consideration and action for Kendall County EMS to enter into a one-year preventative maintenance contract with Renew Bio Medical for Preventative Maintenance on 10 Sapphire I/V Pumps: Brian Webb, EMS Administrator
32. Consideration and action for Kendall County EMS to enter into a Memorandum of Understanding for the Regional Whole Blood Program with Southwest Texas Regional Advisory Council (STRAC): Brian Webb, EMS Administrator
33. Consideration and action on approving a service agreement to meet the Texas Commission on Fire Protection & NFPA 1989 requirement for air testing: Jeffery Fincke, Fire Marshal
34. Consideration and action on approval of a resolution approving an Amended Interlocal Agreement for Regulation of Plats, Subdivision Construction Plans, Subdivision of Land, and other statutes applicable to municipalities and counties that will be enforced within the ETJ of Boerne: Chad Carpenter, Commissioner Precinct 4
35. Consideration and action to approve IT's attendance to a Cybersecurity course pursuant to Texas Government Code § 2054.5191: Richard Chapman, Commissioner Precinct 3

**BREAK**

**EXECUTIVE SESSION (Closed to the public)\***

- I. Pursuant to Texas Government Code Section 551.072, to deliberate on the purchase, exchange, lease or value of real property. (Note: deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)
  1. Lease of 635 Highway 46 East, Boerne, Texas 78006
  2. Hiring of an Inspector to advise Kendall County on the condition of real property being considered for purchase
  
- II. Pursuant to Texas Government Code Section 551.071 and 551.074, 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. 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
  2. Newsom Winery Attorney General Opinion request
  3. Law Enforcement Center – Turner Construction Dispute
  4. Land Lease for 400 East Blanco Road, Boerne, Texas 78006
  5. Duties and responsibilities of the County Engineer
  
- III. Pursuant Texas Government Code Section 551.074, to deliberate on the appointment, employment, evaluation, reassignment, duties, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee.
  1. Appointment of Outside Counsel
  2. Appointment of Shannon Schmoyer and firm Schmoyer Reinhard, LLC to represent the county in CA No. 5:22-cv1073; Chris Kniffin v Kendall County
  3. Duties and responsibilities of the County Engineer – Rick Tobolka

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

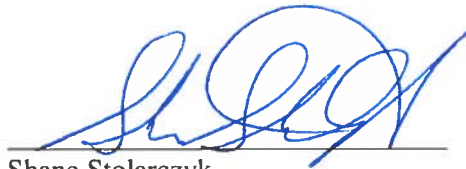
36. Action resulting from Executive Session deliberations.
  
37. Consideration and Action on entering into an Engagement Agreement with outside counsel Shannon Schmoyer and firm Schmoyer Reinhard, LLC to represent the county in CA No. 5:22-cv1073; Chris Kniffin v Kendall County, in the United States District Court for the Western District of Texas, San Antonio Division: Shane Stolarczyk, County Judge
  
38. Consideration and Action related to negotiations with and/or potential legal action against Turner Construction as it relates to the completed construction project of the Sheriff's Office, Jail, and renovation of the former jail and Sheriff's Office: Shane Stolarczyk, County Judge
  
39. Consideration and action regarding the approval of month-to-month lease payments in the amount of \$1700.00 per month to Christine Jacques for February, March, April, and May of 2023 for the Justice of the Peace, Precinct 2 office located at 32828 IH 10 West, Boerne, Texas 78006: Andra Wisian, Commissioner Precinct 2.

**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 9th day of February 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 9th day of February 2023.



Denise Maxwell  
County Clerk

Posted at 4:45 pm on the 9th day of February 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.