



# 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, MARCH 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 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/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 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. 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. Minutes for February 27, 2023 Commissioners Court meeting;
  - b. Accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor;

- c. Amending the FY2023 budget through regular budget adjustments: Corinna Speer, County Auditor; and
  - d. Cash summary at Frost Bank January 2023: Sheryl D'Spain, County Treasurer
5. 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.
  6. Consideration and action on proclaiming March 2023 as American Red Cross Month in Kendall County: Shane Stolarczyk, County Judge / Joi Sanders and Ken Thomas, American Red Cross Hill Country Chapter
  7. Consideration and action on proclaiming March 2023 to be Texas History Month in Kendall County: Shane Stolarczyk, County Judge / Judy McVay, President of the Joshua D. Brown Chapter, Daughters of the Republic of Texas
  8. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
  9. Presentation of the Sheriff's Office 2022 Annual Report: Al Auxier, County Sheriff
  10. Consideration and action concerning the adoption of the revised order regulating food establishments in Kendall County pursuant to Chapter 437, Texas Health and Safety Code: Brenda Bell, Health Inspector / Nicole Bishop, Criminal District Attorney
  11. Presentation of the new Assistant Auditor position and the Internal Auditor's salary pursuant to Local Government Code, Sec. 152.031(b): Susan Jackson, District Clerk
  12. Discussion regarding the City of Boerne Mobility Master Plan and Thoroughfare Plan: Andra M. Wisian, Commissioner Precinct 2
  13. Consideration and action on the STREAR program for Kendall County: Jeffery Fincke, Fire Marshal/ EMS
  14. Discussion and update on current construction projects: Richard Chapman, Commissioner Precinct 3
  15. Consideration and action concerning the execution of a contract with Brandt Companies to replace the chiller unit at the Main Courthouse: Christina Bergmann, Commissioner Precinct 1
  16. Consideration and action on approving relief from all permit fees (approximately \$2,000.00 - \$3,000.00) related to Comfort Chamber of Commerce's 500 square foot addition to their existing building: Chad Carpenter: Commissioner Precinct 4

17. Presentation and discussion on the Household Hazardous Waste Collection Event to be held on April 29, 2023 at the Solid Waste Recycling Center located at 46 Spanish Pass, Boerne, Texas 78006: Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
18. Consideration and action on Kendall County's acceptance of a right-of-way along Vallerie Lane in conjunction with a City of Boerne development agreement for Corley Farms: Christina Bergmann, Commissioner Precinct 1 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer
19. Consideration and action on a request for relief from the road frontage requirements of Section 2.1F.10 (Lots Larger than 6 Acres) for the creation of a 6.042 acre-tract out of a parent tract of approximately 286 acres. Access to the proposed tracts would be over a 60' wide easement for roadway purposes to an existing variable width easement for roadway purposes to Holiday Road. (Owner, Bryan Lindner): Chad Carpenter, Commissioner Precinct 4 / Rick Tobolka, County Engineer / Mary Ellen Schulle, Assistant County Engineer

## **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. Discussion regarding the purchase of office/ warehouse/ and other space for the county
- 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. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
  2. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
  3. Kendall County Employment Practices Audit –Shannon Schmoyer and firm Schmoyer Reinhard, LLC
- 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. Deliberate upon the hiring of In-House General Counsel
  2. Discussion and update regarding personnel and sexual harassment policies and procedures
  3. Deliberate upon the appointment of George Hyde and firm Hyde Kelly LLP as Interim General Counsel

### **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 9<sup>th</sup> day of March 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 9<sup>th</sup> day of March 2023.

  
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Denise Maxwell  
County Clerk

Posted at 4:45 pm on the 9<sup>th</sup> day of March 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.