



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

AGENDA

REGULAR SESSION · MONDAY, MARCH 25, 2024 · 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>

At any meeting, the public may address the Commissioners Court either in person or via Zoom.

- You are required to submit a [Commissioners Court Public Participation Form](#) to the [Judge's Court Coordinator](#) either in person or online by 9:00 a.m. on the day of the Commissioners Meeting.
- Please keep your comments to **three minutes**.
- You may submit written materials to the [Judge's Court Coordinator](#), who will disperse it to the members of the court at the appropriate time. All submitted materials will become part of the official public record.

The Public Participation form may be found:

- At the back of the courtroom
- On the county's website as a PDF and an online form: <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. Discussion on Courtroom Decorum: Shane Stolarczyk, County Judge

4. 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
5. Declarations of Conflict of Interest – This is an opportunity for members of the Court to identify and disclose actual or perceived conflicts of interest.
6. 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 the minutes from the March 11, 2024 Regular Meeting, March 18, 2024 Eclipse Special Called Meeting, and the March 18, 2024 Advanced CPR Training Special Called Meeting: Paula Pfeiffer, County Clerk's Office;
 - b. Consideration and action on the approval of amending the FY2024 budget through regular budget adjustments: Corinna Speer, County Auditor;
 - c. Consideration and action on accepting the list of donations received in February 2024, on behalf of Kendall County per Local Government Code 81.032: Corinna Speer, County Auditor;
 - d. Consideration and action to approve February Fee Office Reports: Corinna Speer, County Auditor;
 - e. Consideration and action to approve the renewal of the property insurance through the Texas Association of Counties Risk Management Pool program: Corinna Speer, County Auditor;
 - f. Consideration and action to approve the Summary of Road Work for January 2024: Don L Evans, Road and Bridge Supervisor;
 - g. Consideration and action to approve the Operations Report for January 2024: Don L Evans, Road and Bridge Supervisor;
 - h. Consideration and action to approve the Summary of Road Work for February 2024: Don L Evans, Road and Bridge Supervisor;
 - i. Consideration and action to approve the Summary of Signs for February 2024: Don L Evans, Road and Bridge Supervisor.
7. March 2024 Service Awards:

Kevin Reser	Sheriff's Department	5 Years
Jessica Guinther	Sheriff's Department	5 Years
Cody Neal	Sheriff's Department	15 Years
8. Consideration and action on proclaiming April 2024 as Texas History Month in Kendall County: Shane Stolarczyk, County Judge / Betsy Drapela, Daughters of the Republic of Texas
9. Discussion of County Government Month: Shane Stolarczyk, County Judge

10. 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.
11. Consideration and action for Kendall County to join Alamo Area Metropolitan Planning Organization (AAMPO) and to appoint a member of the Commissioners Court to the AAMPO Transportation Policy Board, make an appointment to the Technical Advisory Committee, and appoint alternates for each: Shane Stolarczyk, County Judge / Andra M. Wisian, Commissioner Precinct 2 / Sid Martinez, Director, AAMPO
12. Consideration and action on the burn ban pursuant to Texas Local Government Code § 352.081: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal
13. Consideration and action to approve the accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
14. Presentation of the FY2023 Independent Audit: Corinna Speer, County Auditor
15. Presentation of the Sheriff's Office 2023 Annual Report: Al Auxier, Sheriff
16. Consideration and action for Sheriff Auxier to pursue the Stone Garden Grant: Al Auxier, Sheriff
17. Consideration and action to appoint two members of the Kendall County Commissioners Court to a joint committee with the City of Boerne to work toward finalization of the County-City Interlocal agreement: Chad Carpenter, Commissioner Precinct 4 / Andra M. Wisian, Commissioner Precinct 2
18. Consideration and action to repeal, amend, or suspend Kendall County Order No. 07-25-2022 Tax Abatement Guidelines: Andra M. Wisian, Commissioner Precinct 2 / Chad Carpenter, Commissioner Precinct 4
19. Consideration and action for County General Counsel and the County Fire Marshall Office to review existing County regulations and permitting, as well as explore Texas State law for any possible additional regulations that may be implemented that would require any proposed BESS project to carry out safety and hazard mitigation measures to protect the public: Chad Carpenter, Commissioner Precinct 4 / Andra M. Wisian, Commissioner Precinct 2
20. Consideration and action on a request for relief for 245 Upper Sisterdale Road from minimum road frontage and tract size requirements to create a 0.356-acre tract out of a 711.74 acre tract to be used for a Cow Creek Groundwater Conservation District monitoring well and for a County-owned Road & Bridge yard to store equipment and material, which will be the only allowed purposes if this relief is granted; and to authorize the County Judge to sign an agreement for Kendall County to acquire the tract from the owner, Barbara Vogt: Chad Carpenter, Commissioner Precinct 4 / Andra M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, County Engineer / Don L. Evans, Road & Bridge Supervisor / Wes Rexrode, County Surveyor

21. Consideration and action to approve Grant Agreement for The Rural Law Enforcement Salary Assistance Program Award #IA-0000000445 between Kendall County and Texas Comptroller of Public Accounts and accept funds in the amount of \$350,000.00: Al Auxier, Sheriff / Shane Stolarczyk, County Judge
22. Consideration and action on approving the final plat of Williamson Addition. The proposed commercial two lot subdivision will be served by central water and on-site sewage facilities and consist of a 2.3-acre lot (Lot 1) and a 7.5-acre lot (Lot 2). The existing well will be plugged: Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County Engineer
23. Consideration and action on accepting the Financial Guarantee in the form of an Irrevocable Standby Letter of Credit in the amount of two hundred and sixty-three thousand, six hundred and thirty-seven dollars and 90 cents (\$263,637.90) for Williamson Addition final plat roadway and drainage improvements: Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County Engineer
24. Consideration and action on conditional approval of Clearwater Ranch Subdivision Final Plat and to allow the developer to begin construction of subdivision infrastructure prior to final plat approval. The proposed private subdivision would create 20 residential lots served by individual well and on-site sewage facilities, 3,035 linear feet of roadway and an average density of 9.802 acres/lot: Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County Engineer
25. Consideration and action on accepting the Financial Guarantee in the form of a Cash Deposit Agreement in the amount of six hundred and fifty-eight thousand, two hundred and fifty-nine dollars and 54 cents (\$658,259.54) for Clearwater Ranch final plat roadway and drainage improvements: Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County Engineer
26. Consideration and action on approving the final plat for Tiny Homes Patriot Academy in accordance to the Development Rules and Regulations. The proposed development would create a single commercial lot of approximately 47.422 acres and be served by a public water system and on-site sewage facilities. (Liberty Global Enterprises LLC): Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County Engineer
27. Consideration and action on accepting the financial guarantee for Tiny Homes Patriot Academy in the form of a bond in the amount of one hundred sixty-five thousand six hundred fifty-six dollars and fifty cents (\$165,651.50) for private roadways and drainage facilities within the subject commercial lot. (Liberty Global Enterprises LLC): Chad Carpenter, Commissioner Precinct 4 / Mary Ellen Schulle, County 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 the purchase of office/ warehouse/ and other space for the county
 - i. Legal advice on the need to designate a new boundary line to include Precinct 1 and 2 for potential property purchase of Fred on the Water
 - ii. The purchase of real property for right-of-way
- 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. Potential litigation - Development Regulations
 2. County Development Rules and Regulations regarding fire and EMS safety on public roads in gated subdivisions
 3. Discussion on Eclipse Planning
 4. Crisis Intervention Grant Program
 5. *Kendall County v. Vaqueros Del Mar, LLC*, lawsuit pending in 451st Judicial Court of Kendall County
 6. *Jeremy Sagray, Michelle Sagray, individually, and on behalf of their minor children, A.S. and B.S. v. Fair Oaks Ranch, Tim Moring, Elsie Serold, Kendall County, Nicole Bishop, Robert Lipo, N.S., Tex. Dept. of Fam. and Prot. Serv., Amber Gomez, Jaime Masters, Stephanie Muth, Misty Moy, Frank Harrell*, lawsuit pending in Western District of Texas Civil Action No. 5:23-CV-01059-DAE
 7. Confidentiality Policy
 8. Risk Management Pool
 9. Legal advice on Countywide purchasing policy
 10. Duties and responsibilities of County Engineer
 11. Duties and responsibilities of County Surveyor
 12. Request for General Counsel to sue over land regulations
 13. Uniform rental renewal contract negotiation
 14. Courthouse Security Policy and Updates– Tex. Gov’t Code Ann. § 418.181. (Confidentiality Of Certain Information Relating To Critical Infrastructure)
 15. Legal Advice regarding EMS Temporary Full Time Employees

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

28. 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 21st day of March 2024.


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 21st day of March 2024.


Denise Maxwell
County Clerk

Posted at 4:00 pm on the 21st day of March 2024 MM

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, 72 hours in advance to make arrangements.