



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 · WEDNESDAY, APRIL 10, 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. 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. Recognize the hard work and success of the Kendall County 4-H members that competed at the Kendall County Jr. Livestock show and any of the Major Texas Livestock Shows: Shane Stolarczyk, County Judge / Stephen Zoeller, County Extension Agent / Hilary Putrite, 4-H Program Assistant
 6. Recognize Jeffery Ziegler, Kendall County licensed paramedic, for the Public Safety Award from The Texas Veterans of Foreign Wars POST 688: Shane Stolarczyk, County Judge / Brian Webb, EMS Administrator
 7. Consideration and action on proclaiming April 29, 2024 as World Wish Day in Kendall County: Shane Stolarczyk, County Judge / Brandi Roussin, Make-A-Wish Central and South Texas
 8. 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 25, 2024 Regular Meeting and April 1, 2024 Special Called Meeting: Maria Cano, 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. Correction to item 28. II-14 on the March 25, 2024 agenda to note that the oral motion made by Judge Stolarczyk was to reflect the initial motion made by Commissioner Chapman and seconded by Commissioner Wisian and then carried by a vote of 5-0: Maria Cano, County Clerk
 - d. Consideration and action on the cash summary at Frost Bank for February 2024: Sheryl D'Spain, Treasurer.
 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 to approve the accounts payable claims for purchases, services, and vendors: Corinna Speer, County Auditor
12. Consideration and action on a letter of permission from the Kendall County Youth Agriculture & Equestrian Center for beer, wine and liquor to be sold at the Center during the St. John's Lutheran Church Wild Game Dinner to be held on April 27, 2024 with the provision that servers are in accordance with the laws of the State of Texas and the policies of the Texas Alcoholic Beverage Commission: Andra M. Wisian, Commissioner Precinct 2 / Chad Carpenter, Commissioner Precinct 4 / Kristin Jay, Director, Kendall County Youth Agriculture & Equestrian Center
13. Consideration and action to approve IT Director to make out of state travel to MS-ISAC Cybersecurity Annual Meeting from June 23 - June 26, 2024 in Orlando, Florida: Richard Chapman, Commissioner Precinct 3 / Brian Stegall, IT Director
14. Consideration and action to approve the IT Director as the Administrator for the County Cybersecurity Compliance Training and allow the IT Department to enroll each County employee into a cybersecurity course that is certified to fulfill Texas Government Code § 2054.5191: Richard Chapman, Commissioner Precinct 3 / Brian Stegall, IT Director
15. Consideration and action to allow the IT Director to explore other phone services (on Prem, Hosted Cloud): Richard Chapman, Commissioner Precinct 3 / Brian Stegall, IT Director
16. Consideration and action on Interlocal Agreement between Kerr County and Kendall County so that the Kerr County Sheriff's Office and Kendall County Sheriff's Office can coordinate Special Operations and criminal interdiction/narcotics investigative efforts through mutual aid: Al Auxier, Sheriff / Matthew Grove, General Counsel
17. Consideration and action to approve the Commissioner's Court to adopt a Resolution to investigate whether, when, and under what conditions, Bexar Metro might consider approving Kendall County to become a part of Bexar Metro 911 as a fully constituted participating jurisdiction, and expanding the territory of Bexar Metro accordingly: Shane Stolarczyk, County Judge / Jeffery Fincke, EM Coordinator
18. Consideration and action on advertising a Request for Qualifications for the selection of a pool of firms for engineering and grant administration services: Shane Stolarczyk, County Judge / Mary Ellen Schulle, County Engineer / Corinna Speer, County Auditor
19. Consideration and action to repeal Order No. 2-12-2024 (Order recognizing certain previously approved plats) and to adopt new order: Chad Carpenter, Commissioner Precinct 4
20. Consideration and action to adopt a resolution for Kendall County to proceed with establishing a rainwater harvest incentive program including a county property tax exemption and implementing rainwater harvest system requirements, specifications, and an application process: Andra M. Wisian, Commissioner Precinct 2 / Richard Chapman, Commissioner Precinct 3
21. Consideration and action to dissolve Reinvestment Zone No. 2 in Kendall County, Pct 4, Texas. More specifically described as: the property located at 830 FM 289 TX, TX, Boerne, Texas

78006 and 837 FM 289 TX, Boerne, Texas 78006. (Owner: Bandera Electric Cooperative, Inc):
Shane Stolarczyk, County Judge

22. Consideration and action on Agreement for Historic Probate Records Preservation Services between Kendall County and Kofile Technologies, Inc. pursuant to Texas Multiple Award Schedule ("TXMAS") Program Contract No. TXMAS-23-92001 AGREEMENT for the purpose of preserving and digitizing the Kendall County Clerk's historic probate case files in an amount not to exceed \$160,521.98: Denise Maxwell, County Clerk
23. Presentation from Proposition A Committee on potential properties for purchase: Shane Stolarczyk, County Judge / Rusty Busby, Chairman, Proposition A Committee
24. Consideration and action on properties proposed by the Proposition A Committee for potential purchase with Proposition A funds: Shane Stolarczyk, County Judge
25. Consideration and action of the transfer of Constable Precinct 4 vehicle #1667 to Rural Fire to replace vehicle #2605: Shane Stolarczyk, County Judge / Jeffery Fincke, Fire Marshal and EMC
26. Consideration and action of a transfer of a Constable Precinct 3 vehicle # 1560 to EMS for use by EMS Captains: Shane Stolarczyk, County Judge / Brian Webb, EMS Administrator
27. Consideration and action to approve a contract with Excell Fueling Systems for fuel tanks, equipment and software as described in attached documents for a new fueling station on the Toepperwein Property and replace the existing Road and Bridge fueling system as described. The total amount of both systems is \$203,763.66: Richard Chapman, Commissioner Precinct 3
28. Consideration and action on a request for relief from Chapter 5.3, as amended 8/28/2023, from the requirement to prepare a Groundwater Availability Report and Section 5.7 road construction requirements for a proposed division of 128 Kirschke Ranch Road. The proposed division would create 12 tracts out of a parent tract of 120.03 acres for an average density of 10.0025 acres. All tracts would be served by individual well and septic. Kirschke Ranch Road, which would serve all lots as a private road, would be constructed to fire code standards. (Owners: Debra E. Hahn/Kathy D Lowrance/Sheryl Bishop/Robert Fellows/Roy Fellows): Anda M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, County Engineer
29. Consideration and action on approval of an amending plat of Cordillera Ranch Subdivision Unit 205 Block A Lots 5 and 6 creating Lot 5A. (Owner: Ricardo Munoz): Anda M. Wisian, Commissioner Precinct 2 / Mary Ellen Schulle, County Engineer
30. Consideration and action on a request for relief for a family division of 2233 Sleepy Hollow from the road frontage and platting requirements in accordance to section 2.1.F.2.c.iii and section 2.4 of the 2022 Development Rules and Regulations for a 6.01-acre tract out of a parent tract of 41.37 acres. Access to the tract is provided by a private 15' wide reciprocal easement known as Sleepy Hollow. The tracts will be served by individual well and on-site sewage facilities. (Owners: Levi and Chandra Windham Wilson Blackburn): Richard Chapman, Commissioner Precinct 3 / 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. *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*
 2. Updates from Proposition A Committee
 3. Legal advice regarding appraisal contract
 4. Interlocal agreement between City of Boerne and Kendall County regarding volunteer fire departments
 5. Uniform rental renewal contract negotiation
 6. Social Media Blocking Policy
 7. Floodplain Violations

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

31. 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 4th day of April 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 4th day of April 2024.


Denise Maxwell
County Clerk

Posted at 4:00pm on the 4th day of April 2024


Paul Abbein, Deputy
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, 72 hours in advance to make arrangements.