

**THE STATE OF TEXAS**

**COUNTY OF KENDALL** BE IT REMEMBERED, that the Commissioners’ Court of Kendall County, Texas, was begun and held at a Regular Meeting at the Courthouse in Boerne, Texas, and via Zoom on the 22nd day of May 2023.

**Present:** SHANE STOLARCZYK, COUNTY JUDGE  
CHRISTINA BERGMANN, COMMISSIONER, PCT. #1  
ANDRA WISIAN, COMMISSIONER, PCT. #2  
RICHARD CHAPMAN, COMMISSIONER, PCT. #3  
CHAD CARPENTER, COMMISSIONER, PCT. #4  
PAULA PFEIFFER, DEPUTY COUNTY CLERK

1. Call to Order – 9:02 a.m.  
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2. Pledges of Allegiance to the United States and Texas flags.  
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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, and Shane Stolarczyk, County Judge  
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4. Declarations of Conflict of Interest – none  
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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 on the approval of minutes for May 8, 2023 Regular Meeting
  - b. Consideration and action to approve April 2023 Fee Office Reports
  - c. Summary of Road Work for April 2023 (attached)
  - d. Summary of Operations for April 2023 (attached)

**THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve Consent Agenda Items for May 8, 2023.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

**6. May 2023 Service Awards:**

<b>Carlos Gumaro</b>	<b>Road &amp; Bridge</b>	<b>5 Years</b>
<b>George Frisbee</b>	<b>Road &amp; Bridge</b>	<b>5 Years</b>
<b>Bonnie Junek</b>	<b>Auditors Office</b>	<b>5 Years</b>
<b>Jose Nunez</b>	<b>Road &amp; Bridge</b>	<b>5 Years</b>
<b>Clifford Thompson</b>	<b>Solid Waste</b>	<b>5 Years</b>
<b>Brett Humphus</b>	<b>EMS</b>	<b>10 Years</b>
<b>Edward Huerta</b>	<b>Facilities</b>	<b>10 Years</b>

**9. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the selection of Frost Bank as the Depository for Kendall County.

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

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**10. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim the week of May 7-13, 2023 as National Prevention Week in Kendall County (attached).

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by a vote of 5-0.

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(The following agenda items #7 and #8 was addressed out of sequence)

- 7. At 9:20 a.m. a public hearing was held on the application filed by April Berry Massey for the proposed revision of the subdivision plat for The Lindner's Addition Second Section, part of Lot 1, filed in Volume 82 Page 227 of the plat records of Kendall County, Texas.

At 9:24 a.m. the public hearing was closed.

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- 8. At 9:24 a.m. a public hearing was held on the application filed by Miralomas Development Corporation for the proposed partial cancellation of the subdivision for Miralomas Garden Homes Subdivision Unit 1 filed in Volume 8 Page 157 and Volume 9 Page 144 of the plat records of Kendall County, Texas.

At 9:27 a.m. the public hearing was closed.

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**11. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim the week of May 21-27, 2023 as Emergency Medical Services Week in Kendall County (attached).

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

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- 12. **PUBLIC COMMENTS: Sandra Kay Glenn, Mary Anderson and Mike Howle**  
The following person spoke during item #17: Stan Beard and Alex Rudd
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- 13. No action was taken on reinstating the burn ban. It is still off.
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**14. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve accounts payable claims for purchases, services and vendors.

Motion was made by Commissioner Bergmann, seconded by Commissioner Wisian, and carried by a vote of 5-0.

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**15. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the job description for Facilities Manager as presented (attached).

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, and carried by a vote of 5-0.

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**16. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the re-negotiated 457(b) deferred compensation agreement with American United Life Insurance Company.

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

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**17. The court discussed an Agreement to Stimulate, Encourage, and Develop Business Location and Commercial Activity between Buc-ee's and Kendall County dated October 6, 2016, and other relevant activities of the parties.**

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**18. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve as to change Order No. 1 between Kendall County and Terracon Consultants Inc., pursuant to RFQ 2022-06, for additional services in the amount of \$9,413.00. The total amount not to exceed \$30,494.00 for the Kendall County Jail Expansion (Fund: 70-512-55130).

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

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**19. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the cancellation of Lot 1030, Block "Z", Cordillera Ranch Unit 201, as shown on the Final Plat recorded in Volume 4, Pages 331-332, Plat Records of Kendall County, Texas (attached).

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

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## 20. THE STATE OF TEXAS

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to grant exemption to the competitive bid process for Butler-Cohen as authorized by Texas Local Government Code §§ 262.024 (a)(2), (3) and (4) for the purchase of HVAC installation and repair services at Kendall County Probation in an amount not to exceed \$429,430.13, and authorizing Commissioner Richard Chapman, Precinct 3, to approve any change order that involves the increase or decrease in cost of \$50,000.00 or less as authorized by Local Government Code § 262.031(b) and the funds will come out of the 2022 Tax Note and authorized Judge Stolarczyk to sign the contract. (Fund: 2022 Tax Note)

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

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At 10:53 a.m. the Court recessed Open Session, took a break, and at 11:08 a.m. went into Executive Session.

At 12:06 p.m. the Court took a lunch break, and at 1:04 p.m. resumed Executive Session.

- 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 space for Precinct 2 Justice of the Peace and other personnel
  2. Discussion regarding the purchase of office/warehouse/and other space for the county
  3. Discussion regarding Surplus North Tract No. 1
  
- 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. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
  2. County fire protection and firefighter duties, responsibilities, and service
  3. Personnel and sexual harassment policies and procedures
  4. Matthew Dietz vs. Kendall County Sheriff Al Auxier, Kendall County Sheriff's Office and Kendall County, Texas
  5. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
  6. Newsom Winery Health Inspection Compliance
  7. Cause No. 23-063, Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
  8. 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
  9. Mass Gathering Permits for Kendall County
  10. Federal and State Labor Laws Impacting Kendall County

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At 5:09 p.m. the Court closed Executive Session and resumed Open Session.

15. THE STATE OF TEXAS

II-3 COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to implement a policy requiring all county employees to take sexual harassment prevention training as well as authorize General Counsel to take necessary steps to certify that any organization receiving county funding provide documentation that they are in compliance with applicable state and federal law.

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

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15. THE STATE OF TEXAS

II-2 COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the Resolution 1-5-22-2023 authorizing the Kendall County Commissioners Court to adopt the articles of formation and bylaws of the Kendall County Safety Corporation and furthermore naming County Commissioner Andra Wisian as Chair, and County Commissioner Richard Chapman and Chad Carpenter as members.

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, and carried by a vote of 3-2 with Judge Stolarczyk and Commissioner Chapman voting against.

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15. Commissioner Chapman made a motion to rescind letter to the Texas Department of Public Safety (TXDOT) for the Surplus North Tract No. 1. Motion died for a lack of a second.

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Being no further business, the meeting was adjourned at 5:13 p.m.

EXAMINED AND APPROVED THIS 12TH DAY OF JUNE 2023.

          /s/ Shane Stolarczyk            
COUNTY JUDGE  
KENDALL COUNTY, TEXAS

ATTESTED:           /s/ Denise Maxwell            
COUNTY CLERK  
KENDALL COUNTY, TEXAS

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.