

**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 26th day June 2023.

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

**Absent:** CHAD CARPENTER, COMMISSIONER, PCT. #4

1. Call to Order – 9:00 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, Commissioner Richard Chapman, Precinct 3, 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 to approve Commissioner Court Minutes for June 12, 2023 Regular Session, June 20 & 21, 2023 Budget Workshop, and June 22, 2023 Public Hearing
- b. Consideration and action on the approval of amending the FY 2023 budget through certification of new revenue and regular budget adjustments (attached)
- c. Consideration and action to approve May 2023 Fees of Office Reports
- d. Consideration and action on accepting the list of donations on behalf of Kendall County per Local Government Code 81.032 (attached)
- e. Consideration and action to approve the cash summary at Frost Bank for May 2023 (attached)
- f. Summary of Road Work for May 2023 (attached)
- g. Summary of Operations for May 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 A thru G as read.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, and carried by a vote of 4-0 with Commissioner Carpenter absent.

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6. June 2023 Service Awards:

Roger Baker	Sheriff’s Department	20 Years
Richard Tobolka	County Engineer	15 Years/Retirement

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**7. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim the month of June as Elder Abuse Awareness Month in Kendall County (attached).

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, and carried by a vote of 4-0 with Commissioner Carpenter absent.

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8. At 9:22 a.m. a public hearing was held on the application filed by Linda Bannister for the proposed revision of the subdivision plat for Deer Lake Subdivision Lots 19 and 20 as recorded in Volume 1, Page 66, and Volume 1, Page 91 of the Kendall County Plat Records.

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

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**9. PUBLIC COMMENTS: Maggie Eck**

The following people spoke during item #18: Milan Michalec, Denise Dever, and Jeff Fincke

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10. No action was taken on reinstating the burn ban. It is still off.
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**11. 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 in the amount of \$965,256.99

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, and carried by a vote of 4-0 with Commissioner Carpenter absent.

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**12. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the Judge to sign the depository contract with Frost Bank once the County Treasure has gotten her questions answered.

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, and carried by a vote of 4-0 with Commissioner Carpenter absent.

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**13. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve renewing the Department of State Health Services Grant Agreement Contract No. HHS001312700003 (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, and carried by a vote of 4-0 with Commissioner Carpenter absent.

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14. No action taken concerning entering into an agreement with Southwest Texas Regional Advisory Council (STRAC) for ImageTrend Fire Reporting Software for the county fire department to continue to report incidents. Also, included is the Business Associate Agreement that complies with privacy standards.
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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the transfer of a Manitowoc Icemaker asset tag 3068 from Road & Bridge Department to EMS.

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, and carried by a vote of 4-0 with Commissioner Carpenter absent.

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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 amending to increase the contract amount of \$15,000 to \$53,265.57 transferring funds from one contract to the other for clarification of payment processing for design services supporting the rehabilitation of Upper Cibolo Creek Flood Control Structure #4 subject to general counsel's review (attached).

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, and carried by a vote of 4-0 with Commissioner Carpenter absent.

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17. No action was taken concerning a request for relief for 4 Flat Rock Creek Road from minimum road frontage and lot size requirements to create a 0.27 acre lot out of a 3 acre tract to be used for cell tower purposes (Owner: Michael Rusch).
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18. No action was taken approving a contract amendment with Beaty Palmer for the EMS station at Voss Middle School to include a well in the design.
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19. No action was taken concerning on the approval to solicit bids for the construction of a well at the proposed EMS station at Voss Middle School.
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At 10:42 a.m. the Court recessed Open Session, took a break, and went into 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 the purchase of office/warehouse/and other space for the county
- 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. County fire protection and firefighter duties, responsibilities, and service
  2. 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
  3. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX
  4. Duties and responsibilities of County Engineer

At 12:34 p.m. the Court closed Executive Session, and at 12:35 p.m. the Court resumed Open Session.

**20. THE STATE OF TEXAS**

**I-1 COUNTY OF KENDALL** It is ordered by the Commissioners’ Court of Kendall County, Texas, to allow Judge Stolarczyk to employ the services of Guaranty Title Company to assist the County in the closing of the property on Blanco St.

**Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, and carried by a vote of 4-0 with Commissioner Carpenter absent.**

Being no further business, the meeting was adjourned at 12:38 p.m.

**EXAMINED AND APPROVED THIS 10TH DAY OF JULY 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.