

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 14th day of August 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
MARIA CANO, DEPUTY COUNTY CLERK

1. Call to Order - 9:01 a.m.
2. Pledge of Allegiance to the United States and Texas flags.
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, Commissioner Chad Carpenter, Precinct 4 and Shane Stolarczyk, County Judge
4. Declarations of Conflict of Interest- none
5. Consent Agenda:
Items on the Consent Agenda are considered to be of a routine nature and 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 minutes for the July 19, 2023 Special Called Meeting, July 24, 2023 Regular Session and August 8, 2023 Special Called Meeting.
 - b. Consideration and action to approve cash summary at Frost Bank for June 2023. (attached)
 - c. Consideration and action to approve Investment Report Third Quarter Fiscal Year (April, May and June) 2023. (attached)
 - d. Ratify the South Texas Blood and Tissue Center for Low Titer O Whole Blood agreement that was approved in Commissioners Court on July 24, 2023. (attached)
 - e. Consideration and action to declare the attached list as surplus and salvage property and to proceed with disposition through an online county auction. (attached)
 - f. Consideration and action on accepting the list of donations on behalf of Kendall County per Local Government Code § 81.032. (attached)
 - g. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustments. (attached)

THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Consent Agenda Items for August 14, 2023.

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

6. At 9:18 a.m. a public hearing was held on the proposed order regulating vehicular traffic on county roads. Proposed regulations will include the placement of stop signs and speed limit signs in the unincorporated area of the county. The Proposed traffic regulations will be considered by the court and the court will receive comments from the public regarding the proposed regulations. The following person spoke during the Public Hearing: Lance Kyle (attached)
The Public hearing was closed at 9:23 a.m.
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7. At 9:23 a.m. a public hearing was held on the proposed order regulating vehicular traffic on county Roads. Proposed regulations will include the regulation of traffic on real property owned by Kendall County in the unincorporated area of the county, specifically Connally Way, Precinct 4. The Proposed traffic regulations will be considered by the court and the court will receive comments from the public regarding the proposed regulations. No one spoke.

The Public hearing was closed at 9:23 a.m.

8. Hilary Putrite, AgriLife Extension gave a presentation on the 4H leadership groups' need for volunteers for the upcoming Kendall County Fair. Members present were Hilary Putrite, Lily Valentine, Keona Ellis, and Annie Seiter.
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9. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare September 1, 2023 as a County Holiday in order to allow Kendall County Employees the opportunity to participate in the Kendall County Fair.

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

10. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Proclamation declaring the first Friday before the Kendall County Fair as Kendall County Fair Day and authorizing as a Kendall County Holiday. (attached)

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

11. Daniel Oppenheimer CBSL Coordinator and Land Program Director, discussed an opportunity to work with Camp Bullis Sentinel Landscape Partnership to bolster Proposition A funding with a possible partnership with the US Department of Defense Readiness and Environmental Protection Integration (REPI) Program.
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12. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Proclamation designating August 17, 2023 as Non-Profit day in Kendall County. (attached)

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

- 13. **Recognition of Deputy Jared Moore for being awarded the prestigious “School Resource Officer of the Year” in the State of Texas.**
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- 14. **PUBLIC COMMENTS: David El, Meg Grier, Maxie Zinsmeister, Earl Smith, Dan Denbow, Matt Mitchell, Jan Couch.**
The following person spoke during item #16 Len White
The following people spoke during item #21 Ben Eldredge, Denise Dever, and Lance Kyle
The following person spoke concerning item #22: Lance Kyle
The following person spoke during item #23: Jeff Fincke
The following people spoke during item #24: Lance Kyle, Don Frazier
The following people spoke during item #25 Vialissa Gerhard, Denise Dever, Alex Rudd, Wanda McCarthy, Kay Williams, Mike Luckey, Tom Teune, Lance Kyle, Maxie Zinsmeister
The following people spoke during item #26 Don Frazier, Denise Devers, Wanda McCarthy
The following person spoke during item #30: Jeff Fincke, Len White
The following person spoke during item #34 Maxie Zinsmeister
The following person spoke during item #37 Leon Brimhall
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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 extension of the local drought disaster declaration dated August 7, 2023 until drought conditions subside. (attached)

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

- 16. **No action taken on lifting the Burn Ban. It is still on.**
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- 17. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the accounts payable claims for purchases, services and vendors in the amount of \$3,447,278.70.

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

- 18. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the use \$1,540 fees collected under Texas Local Government Code §41.005 of the Government Code for the Collection of bond forfeitures to support the Kendall County Employee Picnic scheduled on September 30, 2023 from 11 a.m. to 3 p.m. at the Kendall County Joshua Springs Park and Preserve.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County to use Avigilon as a platform for Security and Controlled Access.

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

The court took a short recess at 11:05 a.m.
The court reconvened at 11:13 a.m.

20. Rusty Busby, Proposition A Committee Chairman gave an update on Proposition A.

21. Frank Davis, Chief Conservation Officer gave a presentation on the Regional Conservation Partnership Program (RCPP). No action was taken on this item.

22. Jeff Barton, Gap Strategies gave a presentation addressing Growth and Conservation in Texas, A Primer on County Tools and Paths Forward.

23. Christie Wiley, Communicate 2 Succeed, LLC gave a presentation on the Community Wildfire Protection Plan.

24. No action was taken to seek State and or Federal grants related to the Wildfire Protection Plan.

The Court recessed the Open Session at 1:00 p.m.
The Court entered the first executive session at 1:05 p.m.
The Court recessed the first executive session at 1:49 p.m.
The Court resumed open session at 1:54 p.m.

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution as read by Judge Stolarczyk pertaining to the City of Boerne Major Thoroughfare Plan. (attached)

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

26. I No action was taken approving an amended Interlocal Agreement between Kendall County and the City of Boerne.

26. II THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Matt Grove, General Counsel to post revisions online pertaining to the Boerne Major Thoroughfare Plan.

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

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the addendum to the service agreement between 1st FP Services, LLC and Kendall County for the inspection and repairs needed for the Law Enforcement Center not to exceed \$2,460.00. (attached)

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

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the addendum to the service agreement between 1st FP Services, LLC and Kendall County for the repairs needed for the Historic Courthouse not to exceed \$580.00. (attached)

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

29. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the capital outlay purchase of the EDCO Concrete Surface Grinder in the amount of \$6,671.89 and move funds as appropriate. (attached)

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

30. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Comfort Volunteer Fire Department to sell food and beer at the Comfort Park as a fundraiser during the Eclipse event on October 14, 2023 and include Security.

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

31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the First Amendment to the Interlocal Agreement with Hill Country Regional Public Defender's Office for the purpose of changing the billing terms of the original agreement. (attached)

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

32. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement with the Hill Country Regional Public Defender's Office for the purpose of participating in the HCRPDO for the Fiscal Year 2023-2024. (attached)

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

33. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the No-new-revenue tax rate of \$.348310 per \$100.00 taxable value and the Voter-approval tax rate of \$.390145 per \$100.00 taxable value as calculated and presented by James Hudson, County Tax Assessor Collector.

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

34. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to place the proposal to adopt the rate of \$.3827 per \$100.00 taxable value on the agenda of a future meeting and to schedule a public hearing on the tax rate on Thursday, September 7, 2023 at 10:30 a.m. to be held in the Kendall County Courthouse Commissioners Courtroom #301, 201 East San Antonio Avenue, Boerne, Texas.

Motion was made by Commissioner Carpenter, and seconded by Commissioner Chapman, and carried by a vote of 4-1 with Commissioner Wisian against.

Record Vote: Judge Shane Stolarczyk voted yea, Commissioner Christina Bergmann voted yea, Commissioner Andra Wisian voted nay, Commissioner Richard Chapman voted yea, and Commissioner Chad Carpenter voted yea.

The Court took a recess at 3:48 p.m.
The Court reconvened at 3:54 p.m.

35. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Final Plat of Cordillera Ranch Unit 305 in accordance with the 1997 Kendall County Development Rules and Regulations. The proposed plat would create 42 residential lots and 7,720 linear feet of private roadway. The proposed private subdivision would be served by public water and individual on-site sewage facilities.

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

36. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the financial guarantee for Cordillera Ranch Unit 305 in the form of a letter of credit in the amount of \$1,898,661.67 for street and drainage improvements and \$441,099.06 for water improvements in the subject subdivision.

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

37. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Final Plat of Cordillera Ranch Unit 13 in accordance with the 1990 Kendall County Development Rules and Regulations. The proposed plat would create 28 residential lots and 3,511 linear feet of private roadway. The proposed private subdivision would be served by public water and individual on-site sewage facilities.

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

38. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the financial guarantee for Cordillera Ranch Unit 13 in the form of letter of credit in the amount of \$934,720.25 for street and drainage improvements and \$236,046.00 for water improvements in the subject subdivision.

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

39. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending the plat of Cordillera Ranch Unit 202 Lots 17-19 Block B in accordance to the Kendall County Development Rules. The purpose of the amending plat is to eliminate the lot line between lots 17 and 18 and the lot line between 18 and 19, creating a 1.58-acre lot (lot 17A) and a 1.57-acre lot (lot 19A). The Proposed lots will be served by central water and central sewer.

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

40. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending plat of Sleepy Hollow Subdivision for Lot 2A and Lot 2B in accordance to the Kendall County Development Rules. The purpose of the amending plat is to adjust the easement through Lot 2A providing access for Lot 2B to Cedar Ridge Road. The easement is being moved to the southeast end of Lot 2A. The Lots are served by well and septic.

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

41. Mary Ellen Schulle, Acting Engineer, discussed pending developments within the County.

The open session was adjourned at 4:12 p.m.
 The court reconvened executive session at 4:22 p.m.

- I. Pursuant to Texas Government Code Section § 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 Section § 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. Duties and responsibilities of commissioners court by general counsel
 2. Kendall County Public Safety Corporation
 3. County fire protection and firefighter duties, responsibilities, and service
 4. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX. and other properties.
 5. Duties and responsibilities of County Engineer.
 6. Cause No. 23-063, Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
 7. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
 8. CA No. 5:22-cv 1073; Chris Kniffin v. Kendall County, in the United States District Court for the Western District of Texas, San Antonio Division
 9. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
 10. Discussion regarding Hyde Law Firm fees to the county
 11. Kendall County's representation to the BKCEDC board of directors
 12. Security and public safety regarding the upcoming Eclipse event
- III. Pursuant to Texas Government Code § 551.087 (Deliberation Regarding Economic Development Negotiation), to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiation; or to deliberate the offer of a financial or other incentive to a business prospect.**

At 6:17 p.m. the Court closed Executive Session and resumed Open Session.

42. THE STATE OF TEXAS

I-1 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve authorizing the Judge to sign all documents related to the purchasing of 400 East Blanco. Motion was made by Commissioner Bergmann, and seconded by Commissioner Chapman, and carried by a vote of 5-0.

42. THE STATE OF TEXAS

II-12 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge's office to contract for Porta Potties for the October 2023 and April 2024 Eclipse events and allow the Sheriff to reach out to his source of supply.

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

Being no further business, the meeting was adjourned at 6:18 p.m.

EXAMINED AND APPROVED THIS 28TH DAY OF AUGUST 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.