

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 28th 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 Bergmann, Precinct 1, Commissioner Wisian Precinct 2, Commissioner Chapman, Precinct 3, Commissioner Carpenter, Precinct 4, and Shane Stolarczyk, County Judge
4. Declarations of Conflict of Interest- Judge Shane Stolarczyk will not participate on agenda item #25.
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 the minutes for August 14, 2023 Regular Session
 - b. Ratify the adoption of the County Wildfire Protection Plan signed on August 24, 2023 (attached)
 - c. Consideration and action to approve July 2023 Fee Office Reports
 - d. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustments (attached)
 - e. Summary of Road and Bridge Reports for July 2023 (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 Monday August 28, 2023.

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

6. August 2023 Service Awards

Michele Badders	Tax Office	5 Years
Nemo Boaglio	Parks	5 Years
Brandon Mullens	Sheriff	5 Years
Beth Steinruck	County Clerk	10 Years
Tucker Webb	Sheriff	10 Years

7. **PUBLIC COMMENTS-** Jeffrey Fincke, Trudie Vlach, Maxie Zinsmeister, Tom Teune.
 The following people spoke during item #25: Lance Kyle, Arthur Humphries, Wanda McCarthy
 Bill Flint, Denise Dever, Greg Maxton, Laura Koerner, Michael Mann, Travis Barber.
 The following people spoke during item #18: Jeffrey Fincke, Maxie Zinsmeister.
 The following people spoke during item #26: James Hudson, Bobby Schwab, Shawn Lovorn,
 Janet D'Spain Bob Imler.
 The following people spoke during item #27: Wanda McCarthy, Sterling Martin, James Hudson
 The following person spoke during item #28: Alex Rudd.
 The following people spoke during item #32: Bobby Schwab, Tommy Matthews, Wes Rexrode,
 Sterling Martin, Shawn Lovorn.
-

(The following agenda item was addressed out of sequence.)

25. A motion was made by Commissioner Wisian and the motion was seconded by
 Commissioner Carpenter to deny request for relief from the maximum density of six acres in section
 5.2-A of the development regulations which would create a subdivision of three lots,
 each approximately three acres in size out of a parent tract of ten acres.

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, and failed by lack
 of majority vote 2-2-1 with Commissioner Bergmann and Commissioner Chapman voting nay,
 Commissioner Wisian and Commissioner Carpenter voting yea and Judge Shane Stolarczyk
 abstaining.

(The following agenda item was addressed out of sequence.)

9. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to
 authorize the Honorable Judge Kristen Cohoon, 451st District Judge to oversee the renovations to the
 Kendall County Law Library in effort to move to a digital platform under the direction of
 Commissioners Court working with Commissioner Bergmann.

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

8. **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 for the amount of \$535,964.09.

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
 approve the proposed Jury Fees schedule pursuant to House Bill 3474 at \$20.00 for the first day and
 \$60.00 after the first day.

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

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Kofile for the preservation of Kendall County Historic Naturalization Records from 1860 to 1906. (attached)

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to request the County Auditor to conduct an audit of the Criminal District Attorney's Office Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedure.

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the appointment of the various personnel for the Central Counting Station for a one-year term to begin September 1, 2023 as presented. (attached)

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

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the proposed polling locations for the November 7, 2023 Special Election.

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Joint Election Agreement with various Local Political Subdivisions for the November 7, 2023 Special Election.

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the appointment of Elected Judges as read for the term of one year beginning September 1, 2023 and ending August 31, 2024. (attached)

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

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the order for a Special Election for the purpose of adopting or rejecting the proposed Constitutional Amendments to be held on November 7, 2023. (attached)

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 allow the Comfort Athletic Booster Club to use Faltin Field to build a bond fire on the evening of September 13, 2023 in celebration of Homecoming pending the disaster declaration is lifted and approved by Jeffrey Fincke. Approved conditioned upon the lifting of the drought disaster declaration at the time of the proposed event however the organization cannot begin preparation for the bond fire until two days before the event in coordination with Jeffrey Fincke.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 the county road closures for Comfort High School's annual Homecoming Parade on September 13, 2023. The road closures will be Fifth Street and Main Street, Fifth Street and High Street, High Street from Fifth Street to Eighth Street, and from Eighth Street to Main Street.

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

20. No action was taken to execute the agreement between CivicPlus and Kendall County.

21. A discussion was held on planning a workshop to discuss transportation and mobility planning for Kendall County relating to future growth.

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the changes to the amended Interlocal Agreement between Kendall County and the City of Boerne. (attached)

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

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to rescind the motion on April 24, 2023 to adopt Resolution No. 04-24-2023 regarding the Kendall County Local Government Corporation.

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

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to allow Beaty-Palmer Architectural Firm to request bids for the construction of the EMS/Sheriff Substation on the Voss Middle School Property in Bergheim funded by 2022 Tax Note.

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

The court took a short recess at 12:02 p.m.
The court resumed open session at 12:09 p.m.

- 26. Motion was made to approve the request for relief for 33 Lost Valley from the road frontage and platting requirements in accordance to Section 2.1.F.3 and 2.1.F.10 of the Kendall County Development Regulations. The proposed division would create a 20.03-acre tract (Tract 1) and 11.002-acre tract (Tract 2), and an 8.001-acre tract (Tract 3) out of 39.03-acre tract. Access to the tracts would be over an existing 50' wide easement for roadway purposes to Walnut Grove Rd. The tracts would be served by individual wells and OSSF and no further divisions occur of the property.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, motion failed 2-3 with Commissioner Carpenter and Commissioner Chapman vote yea, Commissioner Bergmann, Commissioner Wisian and Judge Stolarczyk voted nay.

- 27. Motion was made by Commissioner Carpenter to approve the request by 97 Lost Valley Road for relief from the road frontage and platting requirements in accordance to Section 2.1-F-10 of the Kendall County Development Regulations. The proposed division would create a 6.001-acre tract and a 13.759-acre tract out of 19.76-acre tract. Access to the 6-acre tract would be over a proposed 60-foot-wide easement for roadway purposes to an existing 50-foot-wide easement to Walnut Grove Rd. Access to the 13-acre tract would be over an existing 50-foot-wide easement to Walnut Grove Rd. The tracts would be served by individual wells and OSSF. Motion failed for lack of second motion, no action taken on this agenda Item.
-

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat of Comfort Living Subdivision in accordance to Chapter 2.4 and Chapter 5.10 of the 2022 Development Regulations. The proposed plat consists of eight units located on 0.868 acres. The units will be served by central water and central sewer from WCID 1.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 accept the financial guarantee for Comfort Living Subdivision in the form of a bond in the amount of one hundred nineteen thousand five hundred fifty-seven dollars and 38 cents (\$119,557.38) for private drainage improvements.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 amending plat of Inspiration Hill No. 2 Lot 4A-1a, Lot 4A-2a, Lot 4A-4a, Lot 4A-6a, Lot 4A-7a, Lot 5A and Lot 5B in accordance to the 2010 Kendall County Development Rules. The purpose of the amending plat is to combine 9 Lots into 7 Lots. The Proposed lots will be served by well and individual on-site sewage facilities.

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

(The following agenda item was addressed out of sequence.)

32. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amendment of the development rules and regulation of Kendall County regarding water availability, testing, and regulations as amended and corrected this morning in open court.

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, 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 accept and approve the revised engineering fee schedule as required by the new state law effective September 1, 2023 as presented in court with the correction of the cost construction per linear foot to reflect \$1.00 per linear foot. (attached)

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

At 2:31 pm the Court recessed Open Session, too a break, and went into Executive Session.

- 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 (Personal 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. Kendall County's representation on the BKCEDC board of directors
 - 2. Security and public safety regarding the upcoming Eclipse event
 - 3. Updates to law library
 - 4. Duties and responsibilities of Proposition A Committee

At 4:01 p.m. the Court closed Executive Session and resumed Open Session.

Being no further business, the meeting was adjourned at 4:01 p.m.

EXAMINED AND APPROVED THIS 11TH DAY OF SEPTEMBER 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.