

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 10th day of October 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 - 9:00 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 the minutes for September 18, 2023 Special Called Meeting, September 19, 2023 Special Called Meeting, and September 25, 2023 Regular Meeting
 - b. Consideration and action on accepting the list of donations received in September 2023, on behalf of Kendall County per Local Government Code § 81.032 (attached)
 - c. Consideration and action on the transfer of a Harris 7/800 Radio from Emergency Management to the County Judge's Office

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COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Consent Agenda items for October 10, 2023.

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

6. Frank Pickart, Boerne Area Model Society representative, gave information on the Boerne Area Model Society (BAMS) upcoming annual Fun Fly.
7. PUBLIC COMMENTS: Sheryl D'Spain, Mike Luckey, Alex Rudd.
The following people spoke during item #10: Denise Dever, Lance Kyle.
The following person spoke during item #27: Lance Kyle
The following person spoke during item #28: Lance Kyle
The following person spoke during item #33: Milan Michalec

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to extend the disaster declaration revised on September 25, 2023.

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

THE BURN BAN IS STILL ON.

9. Brady Constantine was sworn in as Deputy Fire Marshal.

10. Sid Martinez, Director AAMPO, and Kevin Webb, Comal Commissioner, gave a presentation on a recent technical analysis of the AAMPO boundary in Kendall County and opportunities for Kendall County's participation in AAMPO.

11. 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 \$2,141,361.09.

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 award the Road and Bridge Bulk Fuel Bid #2024-01 for the fiscal year 2024 to Texcon Oil as presented.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 award the Road and Bridge Various Concrete Work Bid #2024-02 to Slabkat, LLC for fiscal year 2024.

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, 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 resolution for the 2024 Indigent Defense Formula Grant. (attached)

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 resolution for the 2024 Indigent Defense Improvement Grant. (attached)

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 hire of Neffendorf & Blocker, P.C. to perform the Fiscal Year 2023 independent audit at an amount not to exceed a total of \$28,000.00.

Motion was made by Commissioner Carpenter, seconded by Commissioner Wisian, 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 proclaim October 10 through Veterans Day, November 11, 2023, as a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service. In addition, in observance of Operation Green Light, Kendall County will display green lights on the courthouse from November 6 through 12, 2023 to honor all those who made immeasurable sacrifices to preserve freedom.

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, 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 2023 Property Tax Levy Roll Total of \$39,134,662.59.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 request the County Auditor to conduct an audit of the Kendall County Sheriff's Office Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedure.

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

20. No action was taken setting the bond amount for the Fire Marshal as well as a blanket bond for Kendall County Fire Marshal's office until further clarification on amount of the bond.

21. Sheryl D'Spain, County Treasurer, discussed the Texas Constitutional amendment, Proposition 12, on the November 7th ballot.

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement with H-E-B to administer vaccinations to employees. (attached)

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, and carried by a vote of 4-1 with Commissioner Bergmann, Commissioner Wisian, Commissioner Chapman, and Judge Stolarczyk voting in favor and Commissioner Carpenter voting against.

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve an amendment to page two (2) of the Kendall County Benefit Election and Confirmation Form with Texas Association of Counties.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 approve the transfer of a skid steer from Road & Bridge Department to the Parks Department.

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

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending the Employee Information Manual for the purpose of designating essential and non-essential personnel, and providing procedures for paying employees during a declared emergency/disaster with all departments declaring their employees essential or non-essential by December 31, 2023.

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

26. 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 City of Boerne for Cost Share Agreement for the Health Inspector.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 traffic control plan presented in Commissioners Court on August 14, 2023.

Motion was made by Commissioner Chapman, 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 General Counsel and the Judge to draft an official letter of support for a grant application for funding to study the Herff/Esser/State Highway 46 intersection in order to increase multi-modal mobility, and official support for discussion with TxDOT regarding projects at this intersection. If the grant is successful Kendall County would also ask to have a seat at the table for further discussions.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 Change Order No. 1 between Kendall County and Halff and Associates, pursuant to RFQ 2022-06, to add additional services up to \$30,000 to the contract for FY24 pending legal review by General Counsel. (attached)

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 grant relief to 8A Smiser-Smith Rd. on a request for the road frontage and platting requirements in accordance with 2.1.F.3.d of the 2022 Kendall County Development Regulations. The proposed division would create a +/- 32.4-acre tract and a +/- 116.8-acre tract out of a parent tract of +/- 149 acres. Access to the tracts would be over a proposed 30-foot wide easement for roadway purposes to an existing 30-foot wide easement for ingress and egress to FM 474. The tracts will be served by individual well and on-site sewage facilities.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 grant the request for relief from the road frontage and platting requirements in accordance to our Development Rules in Kendall County. The proposed division would create a 20.031-acre tract (Tract 1) and a 19.003-acre tract (Tract 2) out of a 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 well and on-site sewage facilities and the court may require platting.

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

32. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief from the road frontage and platting requirements in accordance with Section 2.1-F-10.c of the Kendall County Development Regulations. The proposed division would create an approximately 6.3-acre tract and an approximately 13.5-acre tract out of a 19.76-acre tract. Access to each tract would be over a 30' wide fee simple strip to an existing 50' wide easement to Walnut Grove Rd. A 60' wide easement would be placed over the two 30' strips for shared access. The tracts would be served by individual well and on-site sewage facilities.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by a vote of 4-1, with Commissioner Bergmann, Commissioner Wisian, Commissioner Chapman, and Commissioner Carpenter voting in favor and Judge Stolarczyk voting against.

The Court took a bathroom break/recess at 12:34 p.m. and resumed at 12:42 p.m.

33. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Final Plat of George's Ranch Unit 1 in accordance with the 2010 Kendall County Development Rules and Regulations with a correction to plate note # 4 . The proposed private residential subdivision would create 134 lots out of 196.5 acres with an average density of 1.46 acres per lot and 14,264 linear feet of private roadway. The proposed subdivision will be served by public water and individual on-site sewage facilities.

Motion was made by Commissioner Wisian, seconded by Commissioner Chapman, 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 accept the financial guarantee for George's Ranch Unit 1 in the form of a bond in the amount of \$10,163,098.38 for construction of utilities, roads, drainage, and other infrastructure improvements.

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

35. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the financial guarantee for George's Ranch Unit 1 in the form of a cash deposit in the amount of \$23,255.00 for submittal and approval of a letter of map revision.

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

At 1:01 p.m. the Court recessed Open Session, took a lunch 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. Security and public safety regarding the upcoming Eclipse event
 2. Duties and responsibilities of Proposition A Committee
 3. Legal advice on personnel policies
 4. Salary Committee
 5. Library Board Appointments
 6. Kendall County Development Rules and Regulations
 7. Legal advice regarding public health emergencies
 8. Updates on pending litigation
 9. Legal advice regarding transportation issues throughout the County
 10. County parking lot renovations
 11. Legal advice regarding BKCEDC
 12. Possible lease agreement of county property
 13. Possible participation in transportation projects with TxDOT
 14. ETJ Interlocal Agreement between City of Boerne and Kendall County
 15. Nolan Newsom Litigation

At 5:08 p.m. the Court closed Executive Session and resumed Open Session.

Being no further business, the meeting was adjourned at 5:08 p.m.

EXAMINED AND APPROVED THIS 23RD DAY OF OCTOBER 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.