

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 13th day of November 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 - 9:01 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 Commissioner Court Minutes for October 23, 2023 Regular Session
 - b. Consideration and action to approve September Fee Office Reports
 - c. Consideration and action on accepting the list of donations received in October 2023, on behalf of Kendall County per Local Government Code 81.032
 - d. Ratify letter request to Texas Alcoholic Beverage Commission ("TABC") authorizing Hill Country Cider House to sell alcohol at Christmas in Comfort parade under its current TABC permit

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 November 13, 2023.

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

(The following agenda item #7 was addressed out of sequence)

7. PUBLIC COMMENTS:
The following person spoke during item #16: Laura Bray
6. At 9:15 a.m. a Public Hearing was held pursuant to Texas Local Government Code Chapter 111.007, the Commissioners Court will hold a public hearing on the proposed area to be designated as Reinvestment Zone No. 2 in the area of unincorporated Kendall County located at 830 FM 289 Boerne, Texas 78006 and 837 FM 289 Boerne, Texas 78006, described as approximately 4.566 acres out of the A10606 – Survey 61 Waco MFG Co and 12.81 acres out of A10606 – Survey 61 Waco MFG Co, for a total of approximately 17.376 acres.
The follow people spoke: Becky Bradburn, John Padalino, Alex Rudd, Amy Story
At 9:33 a.m. the Public Hearing was closed.

KENDALL COUNTY ORDER LIFTING THE DISASTER DECLARATION approved November 9, 2023 at 12:00 p.m. by the County Judge Shane Stolarczyk (attached).

8. No action was taken on reinstating the burn ban. It is still off.

9a. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to apply a grant of discretionary exemptions under Texas Local Government Code 262.024(a)(4) for professional services.

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

9b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to engage into a contract with Scheibe Consulting for a county masterplan for Flood Mitigation (attached).

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

9c. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to re-open Agenda Item #9a and # 9b for discussion.

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

9d. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to rescind the last 2 Motions (9a and 9b) that were made and enter a new motion to replace them.

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

9e. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to grant a discretionary exemption under Texas Local Government Code 262.024(a)(4) for Flood Mitigation Assistance Grant management for personal/professional services as announced by general counsel as to both projects using Scheibe Consulting.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 accounts payable claims for purchases, services, and vendors in the amount of \$706,974.39.

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 soliciting bids for road materials for the Road and Bridge Department for FY2024.

Motion was made by Commissioner Chapman, and 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 approve soliciting bids for surface pavement repair for Road and Bridge Department for FY2024.

Motion was made by Commissioner Chapman, 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 approve a license agreement for use of the Kendall County Courthouse grounds for Dickens on Main 2023 (attached).

Motion was made by Commissioner Wisian, 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 license agreement with the Greater Boerne Chamber of Commerce to dedicate parking spaces to Kendall County within the Chamber's parking lot with language to be approved by the County Judge as discussed (attached).

Motion was made by Commissioner Bergmann, seconded by Commissioner Wisian, 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 adopt an order regulating parking on property owned or leased by Kendall County (attached).

Motion was made by Commissioner Bergmann, 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 authorize the Elections Administrator to enter into a contract with the Republican and Democratic Party Chairs to conduct a Joint Primary and Joint Runoff Election in 2024 (attached).

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

17a. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to maintain the longhorns at Joshua Springs Park and Preserve as they are gifts of the County and appoint Commissioner Andra Wisian and Stephen Zoeller, Texas Agrilife Extension Agent to assess the needs and the cost of making the area safer and making the chores easier on the staff.

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

17b. Commissioner Wisian withdrew her Motion (17a).

17c. Not action taken on regarding the relocation of the longhorns located at Joshua Springs Park and Preserve.

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Re-Accreditation Agreement with Texas Police Chief's Association Foundation.

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

19. Consideration and action on a Diagnostic Service Agreement with Cummins Southern Plains, LLC in an amount not to exceed \$6,549.82 was tabled.

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Software License Agreement with Cellebrite Inc. in an amount not to exceed \$6,450.00 (attached).

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

21. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract to upgrade the fiber network on the Kendall County Courthouse property (attached).

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

22. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the proposals to upgrade security at the Courthouse and Annex (attached).

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

23. The Court gave an update on the progress of the new website and management modules including agenda and meeting management, development applications, permitting, Texas Public Information Requests, and parks management with Civic Plus, a technology company that is providing the County with a comprehensive suite of digital and on-line solutions helping our county staff collaborate and work more efficiently while better servicing our citizens.

24. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the Comfort Chamber of Commerce to use the Faltin Field for parking during the Christmas in Comfort taking place on November 24, 2023 and November 25, 2023.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 allow the Comfort Chamber of Commerce to close 7th Street between Highway 27 and Main Street; High Street from 6th to 806 8th Street, 8th Street at the north corner of High Street and just past the entrance to Simply Comfort, on the south side of High Street. The closures would begin on November 24, 2023 at noon and end November 25, 2023 at midnight.

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

26. Consideration and action on a request for relief from the requirement to obtain an approval LOMR from FEMA as part of the platting process as required in Section 2.4b(ii) (r) of the Development Regulations and Article 4 Section D(2) of the Flood Damage Prevention Order was tabled. (James Shaw, Comfort Falls Ranch, LLC, Owner)

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending plat creating Lot 13A Block C Unit 301B of Cordillera Ranch Subdivision in accordance to the Kendall County Development Rules. The purpose of the amending plat is to combine two lots (Lot 13 and Lot 14) into one Lot 13A (Tyler and Jennifer Chapman, Owner).

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

At 11:37 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. Proposition A Committee Update
 - 2. Legal advice on personnel policies
 - 3. Updates on pending litigation
 - 4. ETJ Interlocal Agreement between the City of Boerne and Kendall County
 - 5. Flood plain violations
 - 6. Fair Oaks Ranch Transportation Issues
 - 7. Development Rules and Regulations
 - 8. Road and Bridge policies and procedures
 - 9. Interlocal Detention Agreements
 - 10. Contract for additional services for CivicPlus and the Kendall County website

At 1:38 p.m. the Court closed Executive Session and resumed Open Session

(The following agenda item #26 was addressed out of sequence)

- 26. A motion was made by Commissioner Carpenter and the motion was seconded by Commissioner Wisian to approve the request for relief from the requirement to obtain an approved LOMR from FEMA as part of the platting process as required in Section 2.4b(ii)(r) of the Development Regulations and Article 4 Section D(2) of the Flood Damage Prevention Order and also include that the Developer is giving all the data of this LOMR study to the County and will pay all the fees to make sure its filed and approved with no debt to the County and zero work from the County and no liability to the County (James Shaw, Comfort Falls Ranch, LLC, Owner), but it failed by a vote 2-3 with Commissioner Chapman, Commissioner Bergmann and Judge Stolarczyk voting against.

(The following agenda item #17 was addressed out of sequence)

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to keep the longhorns at Joshua Springs Park and Preserve as they have been entrusted to the County through gifting and immediate action be taken to mitigate possible risk including fencing adjustments and other actions overseen by Commissioner Wisian and Stephen Zoeller, Texas AgriLife Extension Agent.

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

At 2:04 p.m. the Court closed Open Session

At 2:05 p.m. the Court resumed Executive Session

At 4:53 p.m. the Court resumed Open Session

Commissioner Carpenter was absent.

28. THE STATE OF TEXAS

II-3

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a settlement for damage to a county road in the amount of \$29,895.64 the claim is against Sutherland Communities.

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

28. THE STATE OF TEXAS

II-8

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the order stating that all traffic diversion plans and procedures in the County are under the authority of the Sheriff's Office specially for Christmas in Comfort.

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

28. THE STATE OF TEXAS

II-9a

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement between Kendall County and the City of Fair Oaks Ranch for detention services for FY2023-2024 in the amount of \$45.00 per day.

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

28. THE STATE OF TEXAS

II-9b

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Agreement between Kendall County and the City of Boerne for detention services for FY2023-2024 in the amount of \$45.00 per day.

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

Being no further business, the meeting was adjourned at 4:56 p.m.

EXAMINED AND APPROVED THIS 11TH DAY OF DECEMBER 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.