

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 27th 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 – 9:00 a.m. _____

2. Pledges 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 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 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 the Special Called Meeting on November 14, 2023
 - b. Consideration and action to amend a clerical error on item 16 of the December 27, 2022, Regular Session minutes to correct the spelling of the name of Henry Clay Kuhn to Harry Clay Kuhn
 - c. Consideration and action to approve October Fee Office Reports

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COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve the Consent Agenda for November 27, 2023.

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

6. November 2023 Service Awards:

Richard Chapman	Commissioner Precinct 3	5 Years
Catherine Madden	Sheriff’s Office	5 Years
Mirna McGraw	Auditor’s Office	5 Years
Jody Dicks	Animal Control	10 Years
Martha Pfeiffer	Road & Bridge Dept.	15 Years
Corinna Speer	County Auditor	25 Years

(The following agenda item #8 was addressed out of sequence)

8. PUBLIC COMMENTS: Mike Luckey, Alex Rudd, Denise Dever
The following person spoke during agenda item #11: Denise Dever

7. At 9:20 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. 3 in the area of unincorporated Kendall County along Flat Rock Creek Road and FM 473, described as approximately 8 acres out of the A10157 – Survey 25 J Esqueda 125.785 acres (attached).

The following people spoke: Stephen McConnell, Brenda Vordenbaum, Amy Story
At 9:59 a.m. the public hearing was closed.

9. No action was taken on reinstating the burn ban. It is still off.
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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 as presented.

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 designating Kendall County Reinvestment Zone No. 2 in accordance with Texas Tax Code § 312.401 (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, and carried by a vote of 3-1-0 with Commissioner Chapman, Commissioner Bergmann, and Judge Stolarczyk voting for with Commissioner Wisian voting against and Commissioner Carpenter abstaining.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to amend the Order passed by Commissioners Court on November 13, 2023 granting an discretionary exemption to Scheibe Consulting to include the language Texas Local Government Code Section 262.

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

13. Katherine Romans, Executive Director of the Hill County Alliance gave a presentation regarding the appointment of a Kendall County Commissioners Court member to participate in the 2024 Hill Country Alliance Leadership Institute.
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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proceed with the acquisition of a .gov domain name and officially change the county website address to kendallcountytexas.gov at the time we have our new website up and running.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 revised Policy and Procedures Handbook for Kendall County EMS.

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, 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 job description and authorize the Criminal District Attorney to post the position with the understanding that this person would be assigned to Commissioners Court via an agreement between the Commissioners Court and Criminal District Attorney (attached).

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, 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 applying for the use of the summer intern program called Home to Texas.

Motion was made by Commissioner Chapman, 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 moving forward with negotiations with the #1 rated contractor - Kopplow Construction for completion and building the EMS and Sheriff's substation at Voss.

Motion was made by Commissioner Chapman, 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 a contract amendment with Freeland Turk Engineering Group for engineering services (attached).

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

At 11:33 a.m. the Court took a break, went into Executive Session at 11:46 a.m.

At 12:16 p.m. the Court recessed Executive Session, and took a lunch break

- I. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 551.072 (Real Property) the deliberation of the purchase, exchange, 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. Development Rules and Regulations
 7. Duties and responsibilities of the development department
 8. Road and Bridge policies and procedures
 9. Legal advice on Texas Local Government Code § 130.911 (SB 22)
 10. Duties and responsibilities of the County Auditor as it pertains to a purchasing agent

At 1:20 p.m. the Court resumed Executive Session

At 4:48 p.m. the Court closed Executive Session and resumed Open Session

Being no further business, the meeting was adjourned at 4:49 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 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.