

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 8th day of January 2024.

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 - 9:13 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 correct Item #24 II-9 to replace Commissioner Carpenter with Commissioner Chapman to accurately reflect action taken in court on December 27, 2023 Commissioners Court Regular Meeting. As well as to approve Commissioners Court Minutes for the December 27, 2023 Regular Meeting**
 - b. **Consideration and action to approve the cash summary at Frost Bank for October & November 2023 (attached)**
 - c. **Consideration and action on accepting the list of donations received in December 2023, on behalf of Kendall County per Local Government Code § 81.032 (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 January 8, 2024.

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

6. **PUBLIC COMMENTS: Andrew Sengler, Wanda McCarthy, Jan Couch, and Richard Elkins**

(The following agenda item #I-4 was addressed out of sequence)

I-4 THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to pull out of Executive Session ETJ Interlocal Agreement for public discussion (attached).

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

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

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the accounts payable claims in the amount of \$1,019,460.10.

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

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the Surface Pavement Bid #2024-03 for fiscal year 2024 to Texas Road Repair.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 award the Road Material Bid #2024-04 for fiscal year 2024 according to the documents presented in Court (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 Investment Report for 4th Quarter 2023 (July, August, September) (attached).

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

12. Karli Kennell, Chief Public Defender gave a presentation regarding the Hill Country Regional Public Defender's Office (HCRPDO).

13. Julie Gossell, BAHPS gave a presentation to educate the Court and the public on the operations of the Boerne Area Historical Preservation Society (BAHPS) and their plans for the buildings on the newly purchased county property.

14. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve letters of permission for the Kendall County Youth Agriculture & Equestrian Center (KCYAEC) for alcohol to be sold at the Center during the AllCat Wounded Warrior Project fundraiser on January 26, 2024 and at the Valentine Massacre event, February 9 through 11, 2024 with the provision that servers are in accordance with the laws of the State of Texas and the policies of the Texas Alcoholic Beverage Commission.

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

15. No action was taken concerning the new wellness incentive to all Kendall County Employees.

16. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Pauper Burial Policy as presented with the amounts \$750.00 for cremation and \$1,500.00 for burial (attached).

Motion was made by Commissioner Wisian, seconded by Commissioner Chapman, 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 amendment to the cash deposit agreement for North Creek Cottages financial guarantee (attached).

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

18. This item was removed from the agenda concerning the request for relief for 225 Highway 3351 South from the road frontage and platting requirements of Section 2.4 of the Development Regulations and Section 1.2.e of the Development Regulations Amendment 12/11/2023 for the creation of two tracts out of a parent tract of 81.9 acres. Tract 1 (approximately 67 acres) will have access on FM 3351 and Fritz Grosser Road, a 35' wide private easement. Tract 2 (approximately 15 acres) will have access on Fritz Grosser Road. Both tracts are served by well and septic and contain deed restrictions regarding future development. Platting will be required for any future division.

At 11:31 a.m. the Court recessed Open Session, took a break, went into Executive Session

- I. 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. Legal advice on personnel policies
 2. Updates on pending litigation
 3. Duties and responsibilities of the County Engineer

- 4. ETJ Interlocal Agreement between the City of Boerne and Kendall County (discussed in Open Court)
- 5. Rainwater collection policies

At 1:39 p.m. the Court closed Executive Session and resumed Open Session

I-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to authorize the District Attorney in order to comply with the Department of Justice regulation to organize CJIS (Criminal Justice Information Systems) training for county personnel who may need to perform certain duties in the DA’s Office.

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

Being no further business, the meeting was adjourned at 1:40 p.m.

EXAMINED AND APPROVED THIS 22ND DAY OF JANUARY 2024.

 /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.