

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 22nd 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
MARIA CANO, DEPUTY COUNTY CLERK

1. Call to Order - 9:06 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
- 3-I Service Awards:

Robert Lipo	CDA Office	5 Years
Charla Buysse	EMS	5 Years
Kirsten Cohoon	451 st Judicial District Judge	5 Years
Mateo Santos	District Court Coordinator	5 Years
Donna Gray	Sheriff's Department	5 Years
Jared Moore	Sheriff's Department	10 Years
James Whitt	Sheriff's Department	15 Years
Chris Reimann	Brush Site	15 Years
Emilio Pereda	Sheriff's Department	15 Years
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 the Commissioners Court minutes for January 8, 2024
Regular meeting
 - b. Consideration and action to approve December Fee Office Reports
 - c. Consideration and action on Summary of Road and Bridge for December 2023 (attached)
 - d. Consideration and action on Summary of Operations for December 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 January 22, 2024.

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

6. PUBLIC COMMENTS:

The following people spoke during public comments: Milan Michalec, Dale Adams, and Richard Elkins.

The following people spoke during item # 11: Denise Dever, Janette Couch, Lance Kyle, Wanda McCarthy, Mike Luckey.

The following person spoke during item # 12: Don L Evans

The following people spoke during item # 17: Mark Zinsmeister, Maxie Zinsmeister, and Patricia Hahne-Moreau.

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 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.

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the construction of the upgrade of Upper Cibolo Creek Watershed Floodwater Retarding Dam No. 4 Bid to Sequoia Services, LLC for the base bid amount of 10,431,995.00. (attached)

Motion was made by Commissioner Bergmann, seconded by Commissioner Wisian, 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 accept the Annual Filing of the County Tax Assessor-Collector's Continuing Education Certificate/Transcript for 2023 as evidence of compliance with the Texas Property Tax Code Section 6.231(d), V.T.C.A. (attached).

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

At 10:07 a.m. the Court recessed Open Session, and went into Executive Session.

At 10:31 a.m. the Court closed Executive Session and resumed Open Session.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the agreement as presented with one edition called 3.5 if a development would have the City of Boerne utility water and wastewater service then the development would fall under city regulations (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 approve closing the following streets for Comfort ISD Anti-Bullying Run/Walk on March 27th. The intersections involved are 6th Street and Main Street, 6th Street and Broadway, 6th Street and Water Street, 7th Street and Water Street, 8th Street and Broadway, 8th Street and Main Street, and 7th Street and Main Street conditioned upon the Sheriff approving the traffic diversion plan.

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 reappointment of Maritza Gonzalez-Cooper (Precinct 1), Frederick Cook (Precinct 1), and Jon Tipton (Precinct 3) to the Kendall County Parks Advisory Board.

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, 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 apply for the continuation of the Victims of Crime Act (VOCA) Grant 2025 funding and the related resolution (attached).

Motion was made by Commissioner Chapman, 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 apply for continuation of the Justice Assistance Grant (JAG) 2025 funding and related resolution. (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 approve the application for continuation of Violence Against Women Act (VAWA) Grant 2025 funding and related resolution (attached).

Motion was made by Commissioner Bergmann, 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 grant 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 and a maximum of 1 additional driveway will be allowed to Fritz Grosser Road.

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 ratify and approve the amendment to the funding agreement for Flood Control Structure No. 4.

Motion was made by Commissioner Bergmann, seconded by Commissioner Wisian, 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 naming of a private road Shooters Ridge off of Holiday Road for safety reasons.

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the naming of a road Patriot Way a Private road off of US 87 for safety reasons.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 name of a private road off of Marquardt Rd Farrelsons Farm Road for safety reasons.

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

22. Nate Lickteig Engineering Department/911 Coordinator, gave a presentation demonstrating a new app for road repairs as well as a new map request for the general public.

At 11:16 am the Court closed Open Session, took a break, and went into Executive Session.

I. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 551.074 (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. Discussion regarding Kendall County Salary Chart**
- 3. Updates on pending litigation**
- 4. Duties and responsibilities of the County Engineer**
- 5. County Parking/Fencing**
- 6. Code Violation Enforcement Deadlines**
- 7. County fuel depot contracts**
- 8. Discussion on ARPA funds**
- 9. Fire Appeals Board**
- 10. Development Rules and Regulations**
- 11. ETJ Interlocal Agreement between the City of Boerne and Kendall County**

At 4:17 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 approve the modified sick leave pool provisions presented by the CDA with the modifications discussed in Executive Session.

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

I-2 THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the compensation chart and pay scale policy as presented. (attached)

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

Being no further business, the meeting was adjourned at 4:22 p.m.

EXAMINED AND APPROVED THIS FEBRUARY 12TH DAY OF FEBRUARY 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.