

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 11th day of March 2024.

Present: SHANE STOLARCZYK, COUNTY JUDGE
ANDRA WISIAN, COMMISSIONER, PCT. #2
RICHARD CHAPMAN, COMMISSIONER, PCT. #3
CHAD CARPENTER, COMMISSIONER, PCT. #4
PAULA PFEIFFER, DEPUTY COUNTY CLERK

Absent: CHRISTINA BERGMANN, COMMISSIONER, PCT. #1

1. Call to Order - 9:04 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 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 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 minutes from the February 26, 2024 Regular Meeting and March 4, 2024 Special Called Meeting
- b. Consideration and action on the approval of amending the FY2024 budget through regular budget adjustments and certification of new revenue (attached)
- c. Consideration and action to approve the renewal of the Auto Liability, Auto Physical Damage, General Liability, Public Officials Liability, and Law Enforcement Liability through the Texas Association of Counties Risk Management Pool program (attached)
- d. Consideration and action to approve cash summary at Frost Bank for January 2024 (attached)

5a. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Consent Agenda items a, b, and d for March 11, 2024.

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

5b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Consent Agenda item #5c for March 11, 2024 (attached).

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

- 6. At 9:24 a.m. a public hearing was held pursuant to Texas Local Government Code Chapter 111.007, the Commissioners Court will hold a public hearing for the purpose of amending or suspending its tax abatement policy (attached).
The following people spoke: Terri Holcombe, Susan Bell, Wanda McCarthy, Lance Kyle, Maxie Zinsmeister, Denise Dever, Julianna Lindner, and Tom Tuene
At 9:49 a.m. the public hearing was closed.

- 7. PUBLIC COMMENTS: Kara Green, Rick Green, Wanda McCarthy, Traci Neyland
The following person spoke during item #18: Denise Dever

(The following agenda item #18 was addressed out of sequence)

- 18. A motion was made by Commissioner Wisian and the motion was seconded by Commissioner Carpenter to appoint Commissioner Carpenter and Commissioner Wisian to a joint committee with City of Boerne to work toward finalization of the County-City Interlocal agreement, but it failed 2-2 with Commissioner Wisian and Commissioner Carpenter voting in favor and Commissioner Chapman and Judge Stolarczyk voting against (attached).

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

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to ratify the disaster declaration for the Total Eclipse taking place on April 8, 2024 with the modification that it will be extended until April 12, 2024 (attached).

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

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 \$931,588.57.

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

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a date change from the previously approved Comfort ISD Anti-Bullying Run/Walk from March 27th to March 25th.

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to ratify Facilities Use Agreement with the Comfort Volunteer Fire Department (attached).

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve an Addendum to In-Car Video System Purchase Agreement between Kendall County and Motorola Solutions, Inc. under Texas Department of Information Resources Agreement No. DIR-TSO-4101 in an amount not to exceed \$109,917.60 (attached).

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

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Agreement for the Law Enforcement Vehicle Modification Services between Kendall County and South Texas Outfitters (attached).

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Agreement for Law Enforcement Video Modification Services between Kendall County and FarrWest Specialty Vehicles, LLC (attached).

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve submittal of an application for the Community Development Block Grant Mitigation Method of Distribution also known as CDBG MIT MOD. To be included in the project as listed: Generator at Bergheim Fire Department, Generator at Kendalia Fire Department, Generator at Waring Fire Department, High Water Detection Systems at various locations (see attached map) Barricades, Emergency Message Boards, and Drones at applicable (attached).

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

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the new position of Legal Affairs and Compliance Director for the General Counsel's office (attached).

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a partial release of the financial guarantee for Windmill Ranch in the amount of \$42,015.60.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by a vote of 4-0 (attached).

At 11:26 a.m. the Court took a break

At 11:35 a.m. the Court went into Executive Session

At 12:05 p.m. the Court recessed Executive Session, took a lunch break

At 1:10 p.m. the Court resumed 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**
 - I. Opa's House**
 - II. Fred on the Water**
 - III. Red, White, and Blue**

- II. Pursuant to Texas Government Code § 551.0745 (County Advisory Board Appointment) Commissioners Court of a county is not required to conduct an open meeting to the appointment, of a member of an advisory body.**
 - 1. AACOG Criminal Justice Advisory Committee Appointment**

- III. 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. Potential litigation – Development Regulations**
 - 2. Discussion on Eclipse Planning**
 - 3. Law Library Renovations**
 - 4. County Fire Department Personnel**
 - 5. Proposition A Committee**
 - 6. Crisis Intervention Grant Program**
 - 7. Kendall County v. Vaqueros Del Mar, LLC, lawsuit pending in the 451st Judicial Court of Kendall County**
 - 8. Proposition A Conservation Easement Discussion**
 - 9. Compliance Investigation Update**

At 3:17 p.m. the Court closed Executive Session and resumed Open Session

Being no further business, the meeting was adjourned at 3:17 p.m.

EXAMINED AND APPROVED THIS 25TH DAY OF MARCH 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.