

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 April 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 - 9:01 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

3b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Donation of the art work presented by Maxie Zinsmeister.

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

4. Declarations of Conflict of Interest – none

5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve proclaiming April 28 – May 5, 2024 as Texas Soil and Water Stewardship week in Kendall County. (attached)

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

6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim April 2024 as Child Abuse Prevention Month in Kendall County. (attached)

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

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim May 12-18 2024 as National Police Week and further declare May 15th as Peace Officer Memorial Day. (attached)

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

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim May 2, 2024 as a National Day of Prayer in Kendall County. (attached)

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

9. 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 April 10, 2024 Regular Meeting
- b. Consideration and action on the approval of amending the FY2024 budget through regular budget adjustments (attached)
- c. Consideration and action to approve March Fee Office Reports
- d. Consideration and action on accepting the list of donations received in March 2024, on behalf of Kendall County per Local Government Code § 81.032 (attached)
- e. Consideration and action on approval of an amending plat of Falling Water Block 1 Lots 83 and 84 creating lot 83A

THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Consent Agenda.

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

10. PUBLIC COMMENTS: Denise Dever, Maxie Zinsmeister, Alex Rudd, Audrey Boerner, Julianna Lindner, Traci Neyland, Betty Poyo, Jeff Boerner

11. April 2024 Service Awards

- Lissy SanMiguel EMS 20 Years
- Jeffery Fincke EMS Retirement/46 Years

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

13. 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 \$1,494,513.32.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 Road and Bridge going out for Seal Coat Work for the Road and Bridge Department for FY2024.

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

15. No action was taken on moving money from vehicle purchase/total value to machinery and equipment. Item was approved in the budget adjustment.

16. Troy Dorman, PH.D., Halff Engineering, and Mary Ellen Schulle, County Engineer, gave a presentation on the May 16 Workshop covering Flood Plain Management and the National Flood Insurance Program.

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County sign a resolution of support for Kendall County Partnership for Parks 501(C)3 to pursue various grant opportunities for park enhancement projects contingent upon this group establishing their group is in good standing.

Motion was made by Commissioner Carpenter, seconded by Commissioner Wisian, 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 the replacement of a damaged fire water storage tank at 7505 Ranger Creek Road on property owned by the County not to exceed \$45,000.00 and authorize the Judge to sign on this.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve an order granting the exemption to the competitive bid process for Butler-Cohen as authorized by Texas Local Government Code § 262.024(a)(3) to Johnson & Sons and for approval of an agreement with Johnson & Sons to perform repair services at the Kendall County Detention Center in an amount not to exceed \$96,675.00. Also, this action item will authorize County Judge Shane Stolarczyk to sign the contract upon the approval by General Counsel Matthew Grove. (attached)

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 final plat revision of Bergheim Business Park Lot 5 creating Lot 5A, Boerne Motorsports Club. The Proposed plat revision would create 23 condo units served by a public water system and on-site sewage facility.

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

21. Mary Ellen Schulle, County Engineer, gave an update on projects within the County.

At 11:12 a.m. the Court recessed Open Session took a 13-minute break then began Executive Session.
At 1:03 p.m. the Court recessed Executive Session for Jeff's retirement party and resumed Executive Session at 1:39 p.m.

- 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. Legal advice on the need to designate a new boundary line to include Precinct 1 and 2 for potential property purchase of Fred on the Water**
- 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. Fire Marshal/EMC Interviews**
 - 2. Legal advice regarding appraisal contract**
 - 3. Interlocal agreement between City of Boerne and Kendall County regarding fire departments**
 - 4. Work related injuries**
 - 5. Sick Leave Pool**
 - 6. *Kendall County v. Vaqueros Del Mar, LLC* lawsuit pending in 451st Judicial Court of Kendall County**
 - 7. Discussion on CWPP Contractual relationships**
 - 8. Possible litigation with ABMF LLC/ Alex Trif**
 - 9. Kendall County's previous One America 457 Deferred Compensation Plans is being phased out**

At 5:14 p.m. the Court closed Executive Session and resumed Open Session.

Being no further business, the meeting was adjourned at 5:15p.m.

EXAMINED AND APPROVED THIS 13TH DAY OF MAY 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.