

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 10th day of April 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. 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
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. Minutes for March 27, 2023
 - b. Approve resolution requesting the designation of George Hyde of Hyde Kelley LLP as Kendall County's Litigation Counsel for all claims made to the Texas Association of Counties Risk Management Pool which necessitates the assignment of legal counsel (attached)
 - c. Approve and accept the list of donations on behalf of Kendall County per Local Government Code § 81.032 (attached)
 - d. Approve amending the FY2023 budget through regular budget adjustments for County purposes (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 April 10, 2023.

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

6. PUBLIC COMMENTS: 451st District Judge Kirsten Cohoon, Richard Tobolka, Robert Kinsey, Lance Kyle, Denise Dever, Robert Imler, Maxie Zinsmeister and Wanda McCarthy
The following person spoke during item #10: Denise Dever
The following people spoke during item #13: Wanda McCarthy, Robert Imler, and Alex Rudd

6A. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept a gift from Maxie Zinsmeister during public comments.

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

(THE BURN BAN WAS RESCINDED ON 04-06-2023 AT 11:00 A.M. BY ORDER OF THE COUNTY JUDGE – attached)

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to extend the removal of the burn ban until such time we need to put it back on.

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 approve accounts payable claims for purchases, services and vendors as presented.

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, 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 approve the County to solicit bids for the construction of the EMS and Sheriff's Substation on Voss Parkway with the actual address to be determined at a later date.

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 Kendall County EMS to enter into a one-year agreement with ZOLL Medical for preventive maintenance on five ZOLL Z Ventilators in the amount not to exceed \$3,275.00 effective 04/01/2023 through 03/31/2024.

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

12. Keith Neffendorf, Neffendorf & Blocker, PC gave a presentation on the FY22 Annual Audit

(The following agenda item #10 was addressed out of sequence)

10. At 10:15 a.m. a public hearing was held on the application filed by Cordillera Ranch, Ltd for the proposed cancellation of Lot 1030, Block Z of the subdivision plat of Cordillera Ranch Unit 201 recorded in Volume 4 Page 331 of the Kendall County Plat Records.

At 10:17 a.m. the public hearing was closed.

Commissioner Bergmann left courtroom at 11:07 a.m.

Commissioner Bergmann returned to court at 11:09 a.m.

13. No action was taken concerning the Preliminary Plat of the remaining acreage of George's Ranch Subdivision in accordance with Section 203 of the 2010 Kendall County Development Rules and Regulations. The proposed private subdivision consists of 950.81- acres, 642- single family residential lots, 60,379- linear feet of private roadway with a density of 1.48- acres/lot. The lots will be served by public water and individual on-site-sewage-facilities (Lookout Development Group, LP).

At 11:10 a.m. the Court recessed Open Session, took a lunch break.

- I. Pursuant to Texas Government Code Section § 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: 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 space for Precinct 2 Justice of the Peace and other personnel
 2. Discussion regarding the purchase of office/warehouse/and other space for the county
- II. Pursuant to Texas Government Code Section § 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. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
 2. County fire protection and firefighter duties, responsibilities, and services
 3. Discussion and update regarding personnel and sexual harassment policies and procedures
- III. Pursuant to Texas Government Code Section § 551.071 (Attorney Consultation) and Texas Government Code § 551.074 (Personnel) to deliberate and seek legal advice regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or a charge against an officer or employee. (Note: the personnel deliberation portion of the executive session may occur in open session if the officer or employee who is the subject of the deliberation (the County Facilities Manager) requests a public hearing prior to the start of the meeting).

At 1:02 p.m. the Court went into Executive Session.

At 5:12 p.m. the Court closed Executive Session and resumed Open Session.

14. THE STATE OF TEXAS

III. COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to accept Robert Kinsey’s resignation.

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

I-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve a lease with landlord Christine Jacques ending September 30, 2023 for space for Precinct 2, Justice of the Peace and other personnel with the provision that the landlord sign an addendum prepared by our legal counsel.

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

Being no further business, the meeting was adjourned at 5:17 p.m.

EXAMINED AND APPROVED THIS 24TH DAY OF APRIL 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. 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.