

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 23rd day of January 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. Pledges of Allegiance to the United States and Texas flags.

- 3. Comments from the bench: 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. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for January 9, 2023.

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

- 6. Sgt. Jerry Strainer presented the Patriotic Employer Award through the US Office of the Secretary of Defense/Employer Support of the Guard and Reserve to DonL Evans.

7. January 2023 Retirements and Service Awards:

Retirements:

Harold De Hart Fire Marshal 5 Years
Michelle Lux Benefits Coordinator 20 years

Service Awards:

Felicia Whitt Elections 5 Years
Juan Guerrero Road & Bridge 10 Years
Al Auxier Sheriff 10 Years
Jeff Fincke Emergency Mgmt 45 Years

(The following agenda item #5 was addressed out of sequence)

- 5. Judge Kirsten B. Cohoon gave an update on the 451st District Court.

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to keep the burn ban off.

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 approve amending the FY2023 budget through regular budget adjustments (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 Fees of Office Report for December 2022.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 accounts payable claims for purchases, services, and vendors in the amount of \$376,059.44.

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, 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 declare the attached list as surplus and salvage property and to proceed with disposition through an online county auction (attached).

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, 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 cash summary at Frost Bank for November 2022 (attached).

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

14. The County Treasurer presented the Sales Tax Report.

15. The summary and discussion of Road Work for December 2022 (attached).

16. The summary and discussion of Operations for December 2022 (attached).

17. Jeffery Fincke, EMC/Fire Marshal presented the 2022 activities for Emergency Services.

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to dissolve the Sexual Assault Response Team (SART) for Kendall County and enter into an agreement with a multi-county Sexual Assault Response Team (SART) with Comal County.

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

19. PUBLIC COMMENTS:

The following people spoke during public comments: Denise Dever, Mario Obledo, Jr. and Alex Rudd

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to re-appoint Jeffery Fincke as County Fire Marshal pursuant to Texas Local Government Code § 352.011.

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 official bond for Tax Assessor-Collector for State Tax Collections.

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

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the certificate as presented by James Hudson, Tax Assessor-Collector for his continuing education as evidence of compliance with Texas Property Tax Code § 6.231(d) (attached).

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

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the funding up to 4 weeks to allow the Kendall County Road & Bridge operation to hire an Administrative Assistant II prior to the current administrative assistant's retirement. The overlap between hiring the new employee and the current employee's retirement ensures time for training purposes.

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

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the application filed by 4B Brooks Investments, LLC for the proposed plat cancellation of Escorial Subdivision Unit 1, Lot 12, Block 1 recorded in Volume 2, page 75 of the Kendall County Plat Records under Kendall County Order No. 1-23-23 Instrument of Cancellation (attached).

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

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the execution of a Lump Sum contract with BGE Inc. for the development of the Preliminary Engineering Schematic of Scenic Loop Road from the Kendall County line to IH 10 Southbound Frontage Road.

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

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to discuss the approval of a new commercial lease for Justice of the Peace, Precinct 2 in Executive Session pursuant to Section 551 of the Texas Government Code and any action will be taken after Executive Session.

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

At 11:55 a.m. the Court recessed Open Session, took a lunch break, and went into Executive Session:

- I. Pursuant to Chapter 551 of the Texas Government Code, Section § 551.072 to deliberate the purchase, exchange, 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.)**
- II. Pursuant to Chapter 551 of the Texas Government Code, Section §§ 551.071 and 551.074, 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. Kniffin**
 - 2. Newsom**
 - 3. Outside counsel**
 - 4. Law Enforcement Center – Turner Construction**
- III. Pursuant to Chapter 551 of the Texas Government Code §§ 551.076 and 551.089, the deliberation and discussion concerning the following: the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices; security audits/security assessments; and network security information as described by Section 2059.055(b).**

At 1:57 p.m. the Court closed Executive Session, resumed Open Session.

26. No action was taken concerning the approval of a new commercial lease for Justice of the Peace, Precinct 2.

II.-1 THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by Commissioners’ Court of Kendall County, Texas to retain the outside counsel Schmoyer Reinhard LLP to handle litigation and counseling to Commissioners’ Court for the Kniffin litigation.

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

Being no further business, the meeting was adjourned at 1:59 p.m.

EXAMINED AND APPROVED THIS 13TH DAY OF FEBRUARY 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.