

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 July 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 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 June 26, 2023 Commissioners Court minutes
 - b. Consideration and action on accepting the list of donations on behalf of Kendall County per Local Government Code 81.032(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 July 10, 2023.

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

6. **PUBLIC COMMENTS:** Wanda McCarthy, Bobby Schwab and Earl Smith
The following people spoke during item #17: Paula Cairns, Maggie Eck, Denise Dever and Earl Smith

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reinstate the Burn Ban effective today at 10:00 a.m. (attached)

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 in the amount of \$1,047,096.25.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 travel for the IT Director to attend the Cybersecurity Annual Meeting from August 6-9, 2023 in Salt Lake City, UT.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 approve the corrected allocation calculations for the CDBG-MIT Mod form which calculates Kendall County's allocation share (attached).

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 the transfer of vehicle asset #4827, unit 1609, a 2016 Ford F250, from Animal Control to Facilities Maintenance.

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

12. No action was taken concerning Kendall County's group medical insurance for the plan year October 1, 2023 to September 30, 2024.

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the Kendall County Sheriff's Office to receive overtime reimbursement incurred as participants of joint operations/task forces with the Department of Homeland Security.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 Prepare Protect Defend LLC Software License and Services Agreement to allow for the continued use of the Life Spot App by Kendall County Employees at the Kendall County Courthouse and other county buildings during an Active Shooter Event pending the approval of IT (attached).

Motion was made by Commissioner Bergmann, seconded by Commissioner Wisian, 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 approve the updated inter-governmental agreement with U.S. Marshal service for prisoner housing at the rate of \$103.00 per day.

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

16. STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the restructuring at Road and Bridge Department as presented on the flow chart on page 1. (attached).

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

17. STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Commissioners' Court to give written notice to the City of Boerne that the Court desires to amend our current ETJ Interlocal Agreement and have General Counsel draft that notice and be sent through our Engineering Department.

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

18. Mary Ellen Schulle, Acting County Engineer gave a presentation regarding current projects within Kendall County (attached).

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant request for relief from minimum road frontage and lot size requirements to create a 0.27- acre lot out of a 3-acre tract to be used for cell phone tower purposes. The remainder of the 3- acre tract shall be combined with the adjacent 20.8-acre tract recorded on document no. 2021-353654 through an Affidavit of Land Location. The 0.27-acre tract shall be platted and the plat shall contain notes stating the 0.27-acre lot shall be used for cell tower purposes only, the drilling of wells is prohibited and on-site sewage facilities are prohibited.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by vote 4-1 with Judge Stolarczyk voting against.

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a contract amendment with Beatty Palmer for the EMS station at Voss Middle School to include a well in the design (attached).

Motion was made by Commissioner Chapman, and seconded by Commissioner Bergmann, and carried by a vote of 4-1 with Commissioner Wisian voting against.

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a bid for the construction of a well at the proposed EMS station at Voss Middle School.

Motion was made by Commissioner Chapman, and seconded by Commissioner Carpenter, and carried by a vote of 4-1 with Commissioner Wisian voting against.

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve plat revision of Lindner's Addition Second Section, part of Lot 1 filed in Volume 82, Page 227 of the plat records of Kendall County, Texas in accordance with the Kendall County Development Regulations. The proposed plat revision would create Lot 1B and 1C to be served by central water and central sewer. (Owner-April Brent Massey).

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

At 11:56 a.m. the Court recessed Open Session, took a lunch break.

At 1:07 p.m. the Court went into 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

- 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. County fire protection and firefighter duties, responsibilities, and service
 2. Cause No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
 3. Volkswagon Settlement
 4. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX
 5. Employee exit interviews and policies
 6. COVID Leave Policy

At 3:09 p.m. the Court closed Executive Session, resumed Open Session.

26. Action resulting from Executive Session deliberations.

26. THE STATE OF TEXAS

II-2 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to amend the County development regulations to authorize the County Engineer and the Commissioner of the associated precinct to approve new plats that previously were based on incorrect filings of property division maps.

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

26. THE STATE OF TEXAS

II-6 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to eliminate the County's COVID leave policy effective immediately.

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

26. THE STATE OF TEXAS

II-3 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County entering into and participating in the Volkswagen Clean Diesel Litigation settlement for \$50,000.00 and full and final release of its claims, and furthermore authorizing the Kendall County Judge to execute any documents necessary to participate in the settlement of the Clean Diesel Litigation under such final negotiated terms as the Kendall County Judge deems appropriate (attached).

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

Being no further business, the meeting was adjourned at 3:11 p.m.

EXAMINED AND APPROVED THIS 24TH DAY OF JULY 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.