

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 25th day of March 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. Discussion on Courtroom Decorum.
4. 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
5. Declarations of Conflict of Interest – none
6. 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 March 11, 2024 Regular Meeting, March 18, 2024 Eclipse Special Called Meeting, and the March 18, 2024 Advanced CPR Training Special Called Meeting
 - b. Consideration and action on the approval of amending the FY2024 budget through regular budget adjustments (attached)
 - c. Consideration and action on accepting the list of donations received in February 2024, on behalf of Kendall County per Local Government Code § 81.032 (attached)
 - d. Consideration and action to approve February Fee Office Reports
 - e. Consideration and action to approve the renewal of the property insurance through the Texas Association of Counties Risk Management Pool program
 - f. Consideration and action to approve the Summary of Road Work for January 2024 (attached)
 - g. Consideration and action to approve the Operations Report for January 2024 (attached)
 - h. Consideration and action to approve the Summary of Road Work for February 2024 (attached)
 - i. Consideration and action to approve the Summary of Signs for February 2024 (attached)

6a. 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, c, f, g, h, i for March 25, 2024.

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

6b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the consent agenda items d and e for March 25, 2024.

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

7. March 2024 Service Awards

Kevin Reser	Sheriff's Department	5 Years
Jessica Guinther	Sheriff's Department	5 Years
Cody Neal	Sheriff's Department	15 Years

8. THE STATE OF TEXAS

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

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

9. A discussion was held about County Government Month.

10. PUBLIC COMMENTS: Mike Luckey, Andrew Sengler, Maxie Zinsmeister.
The following people spoke during item #18: Jeff Boerner, Juliana Lindner, Steven McConnell.
The following people spoke during item #19: Steven McConnell, Traci Neeland, Terri Holcombe, John Kinney Kane, Alexandria Rudd, Denise Dever.
The following person spoke during item #21: Michael Judd

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County joining Alamo Area Metropolitan Planning Organization (AAMPO) and to appoint a member of the Commissioners Court to AAMPO Transportation Policy Board, make an appointment to the Technical Advisory Committee, and appoint alternates for each. (attached)

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

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 for \$1,739,792.81.

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

14. Corinna Speer, County Auditor, and Keith Neffendorf of Neffendorf & Blocker, PC gave a presentation of the F2023 Independent Audit.

15. Al Auxier, Sheriff, gave a presentation on the Sheriff's Office 2023 Annual Report.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Sheriff Al Auxier to pursue the Stone Garden Grant.

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

At 10:58 a.m. the Court took a break and returned at 11:04 a.m.

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint Commissioner Wisian and Commissioner Carpenter to the committee to negotiate with the City of Boerne towards finalization of the County City Interlocal Agreement.

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

18. No action was taken to repeal, amend, or suspend Kendall County Order No. 07-25-2022 Tax Abatement Guidelines.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the General Counsel and the County Fire Marshal's to review existing County regulations and permitting, as well as explore Texas State law for any possible additional regulations that may be implemented that would require any proposed BESS project to carry out safety and hazard mitigation measures to protect the public.

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

At 12:18 p.m. the Court recessed open session for a lunch break and returned to open session at 1:22 p.m.

Commissioner Carpenter was not present after lunch.

The following agenda item #21 was addressed out of sequence.

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Grant Agreement for The Rural Law Enforcement Salary Assistance Program Award

#IA-0000000445 between Kendall County and Texas Comptroller of Public Accounts and accept the funds in the amount of \$350,000.00. (attached)

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, and carried by a vote of 4-0. County Judge, Commissioners from Precinct 1, 2, 3 voting in favor, Commissioner Carpenter was absent.

At 1:29 p.m. Commissioner Carpenter returned.

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief for 245 Upper Sisterdale Road from minimum road frontage and tract size requirements to create a 0.356-acre tract with an up to 50 feet adjustment out of a 711.74 acre tract to be used for a Cow Creek Groundwater Conservation District monitoring well and water storage tank and for a County-owned Road and Bridge yard to store equipment and material which will be the only allowed purposes this relief is granted and to authorize the County Judge to sign an agreement for Kendall County to acquire the tract from the owner Barbara Vogt.

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, 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 approve the final plat of Williamson Addition. The proposed commercial two lot subdivision will be served by central water and on-site sewage facilities and consist of a 2.3-acre lot (Lot 1) and a 7.5-acre lot (Lot 2). The existing well will be plugged.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 accepting the Financial Guarantee in the form of an Irrevocable Standby Letter of Credit in the amount of \$263,637.90 for Williamson Addition final plat roadway and drainage improvements and the requirement of plugging the existing well to be completed 1 year from today.

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 on conditional approval of Clearwater Ranch Subdivision Final Plat and to allow the developer to begin construction of subdivision infrastructure prior to final plat approval. The proposed private subdivision would create 20 residential lots served by individual well and on-site sewage facilities, 3035 linear feet of roadway and an average density of 9.802 acres per lot to include the acceptance from our Development Office of the Bond in the amount of \$658,259.54 as approved by the Engineer and General Counsel.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by a vote of 4-1. Commissioner Wisian, Commissioner Chapman, Commissioner Carpenter and Judge Stolarczyk voting in favor and Commissioner Bergmann voting against.

25. This item concerning the Financial Guarantee in the form of a Cash Deposit Agreement for Clearwater Ranch was pulled from the agenda.

26. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat for Tiny Homes Patriot Academy in accordance to the Development Rules and Regulations. The proposed development would create a single commercial lot of approximately 47.422 acres and be served by a public water system and on-site sewage facilities. In addition, this approval would also be contingent upon Cow Creeks approval for the operating permit as well as the bond being accepted through legal and the mylar reviewed by development office.

Motion was made by Commissioner Carpenter, seconded by Commissioner Wisian, and carried by a vote of 3-2 Commissioner Wisian, Commissioner Carpenter, and Judge Stolaczyk voting for and Commissioner Bergmann and Commissioner Chapman voting against.

27. No action was taken on accepting the financial guarantee for Tiny Homes Patriot Academy based on action taken on item #26.

At 2:32 p.m. the Court recessed for a five-minute break and 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
 - 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. The purchase of real property for right-of-way
- 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. Potential litigation – Development Regulations
 2. County Development Rules and Regulations regarding fire and EMS safety on public roads in gated subdivisions
 3. Discussion on Eclipse Planning
 4. Crisis Intervention Grant Program
 5. *Kendall County v. Vaqueros Del Mar, LLC*, lawsuit pending in 451st Judicial Court of Kendall County
 6. *Jeremy Sagray, Michelle Sagray, individually, and on behalf of their minor children, A.S. and B.S. v. Fair Oaks Ranch, Tim Moring, Elise Serold, Kendall County, Nicole Bishop, Robert Lipo, N.S., Tex. Dept. of Fam. and Prot. Serv., Amber Gomez, Jaime Masters, Stephanie Muth, Misty Moy, Frank Harrell*, lawsuit pending in Western District of Texas Civil Action No. 5:23-CV-01059-DAE
 7. Confidentiality Policy
 8. Risk Management Pool
 9. Legal advice on Countywide purchasing policy
 10. Duties and responsibilities of County Engineer
 11. Duties and responsibilities of County Surveyor
 12. Request for General Counsel to sue over land regulations
 13. Uniform rental renewal contract negotiation
 14. Courthouse Security Policy and Updates- Tex. Gov't Code Ann. § 418.181 (Confidentiality of Certain Information Relating to Critical Infrastructure)
 15. Legal Advice regarding EMS Temporary Full Time Employees

At 5:32 p.m. the Court closed Executive Session and resumed Open Session.

28. THE STATE OF TEXAS

II-14 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a contract with Foundation for Trusted Identity for Security Identifications in the amount of \$35,367.00.

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

Being no further business, the meeting was adjourned at 5:34 p.m.

EXAMINED AND APPROVED THIS 10TH DAY OF APRIL 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.