

**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 8th day of May 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 - 9:01 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 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. Consideration and action on the approval of minutes for April 21, 2023 Regular Meeting and the April 24, 2023 Special Called Meeting
  - b. Presentation of Sales Tax Report for March 2023 in the amount of \$430,796.67
  - c. Discuss and approve Investment Report 2nd Quarter Fiscal Year 2023 (January, February, and March 2023 (attached)
  - d. Discuss and approve cash summary at Frost Bank for March 2023 (attached)
  - e. 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 as outlined.

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

6. Recognize the 4-H Members that competed at the following major stockshows across Texas – The Grandstand Livestock Show, San Antonio Livestock Show, Fort Worth Livestock Show, San Angelo Livestock Show, Houston Livestock Show and Austin Livestock Show. Also, recognition of the 4-H members that competed at District 10 4-H Spring Round Up Contest:  
 Emma Zoeller, Sarah Foster, Lilyanna Epple, Annabella Epple, Keona Ellis, Henley Immel, Elizabeth McFarland, Lillian Rime, Cooper Hohmann, Jake Richardson, Eli McFarland, Mary Anna McFarland, Hannah Dufresne, Brenna Green, Levi Mumme, Matthan Ellis, Briley Sralla, and Allie Esser.

7. THE STATE OF TEXAS \_\_\_\_\_  
 COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to proclaim the month of May 2023 as Mental Health Awareness Month in Kendall County as read (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 proclaim the week of May 15, 2023 as National Police Week. (attached).

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

9. PUBLIC COMMENTS: John Kovacs, Alex Rudd and Maxie Zinsmeister  
 \_\_\_\_\_

10. No action was taken on reinstating the burn ban. It is still off.  
 \_\_\_\_\_

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 \$690,567.21.

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

12-1. THE STATE OF TEXAS \_\_\_\_\_  
 COUNTY OF KENDALL It is ordered by the Commissioners’ Court of Kendall County, Texas, to set the loan rate at prime +1%.

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

**12-2. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the revised 457(b) deferred compensation agreement with American United Life Insurance Company.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 funding for the Westlaw legal research database subscription for the General Counsel's Office for the remainder of this fiscal year.

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 road closures for Comfort's Independence parade on July 1, 2023 from 6:30 A.M. to 11:30 A.M. The road closures are as follows: Idlewilde Boulevard, Daniel Drive, Edgewood Drive, Part of Highway 87 and Hwy 27, Lindner Avenue, High Street from Lindner Avenue to 5th Street, 5th Street from High Street to Broadway, and Broadway from 5th Street to 7th Street.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 request of the Comfort Chamber of Commerce to use the north portion of Kendall County property at Main and 8th Streets (Parcel ID 21388/Faltin Field) for parade parking during the Comfort Independence Celebration July 1, 2023.

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

---

**16. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to allow Comfort Chamber of Commerce to sell beer on July 1, 2023, at the Comfort Park, from 9:00 A.M. until 3:00 P.M. at their booth during the Comfort annual Independence Day Celebration contingent upon sufficient proof of insurance and liability protection.

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

---

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to remove asset 4827, a 2016 Ford F-250 Pick-up with SuperCab from our surplus and salvage list.

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

\_\_\_\_\_

18. No action was taken to transfer the decommissioned ambulance, a 2014 Dodge Ram 3500 (Unit 2790), from EMS to the Sheriff's Office

19. The court discussed current and future county obligations pertaining to law enforcement, firefighting, and EMS service to developments in the ETJ.

20. Alec MacDonald and Mike Nyman, USGS Office gave a presentation regarding the new flood monitoring gauge on Cypress Creek above Comfort.

21. Mary Ellen Schulle, Assistant County Engineer gave a presentation regarding the monthly Engineering Department update.

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a specified rate contract with BGE for GIS services not to exceed \$30,000.00

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 release the Letter of Credit for Bergheim Business Park in the amount of \$375,628.73 for roadway and drainage improvements (Bergheim Business Park, LLC).

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 accept the right-of-way along Daisy Lane as presented.

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 release the Letter of Credit for Cordillera Ranch, Final Plat Unit 303 in the amount of \$165,359.00 for water and sewer improvements (CR/KWW Partnership, Ltd).

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

---

At 11:52 a.m. the Court recessed Open Session, took a lunch break.

- 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: 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
  3. Discussion regarding Surplus North Tract No. 1
  
- 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. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
  2. County fire protection and firefighter duties, responsibilities, and service
  3. Personnel and sexual harassment policies and procedures
  4. Matthew Dietz vs. Kendall County Sheriff Al Auxier, Kendall County Sheriff's Office and Kendall County, Texas
  5. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
  6. Newsom Winery Health Inspection Compliance
  7. Cause No. 23-063, Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
  8. Reappointment of George Hyde and firm Hyde Kelly LLP for future litigation and county services
  9. CA No. 5:22-cv1073; Chris Kniffin v. Kendall County, in the United States District Court for the Western District of Texas, San Antonio Division
  
- III. Pursuant to Chapter 551 of the Texas Government Code § 551.076 (Security Devices or Audits) and § 551.089 (Security Devices or Audits), 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).
  1. Security for Eclipse events
  
- IV. Pursuant to Texas Government Code Section § 551.071 (Attorney Consultation), to deliberate and seek legal advice on the appointment, employment, evaluation, reassignment, duties, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee.
  1. Duties and responsibilities of the County Engineer

---

After a lunch break, the Court went into Executive Session at 1:10 p.m.

At 3:17 p.m. the Court closed Executive Session

At 3:21 p.m. the Court resumed Open Session

(The following agenda item #27 was addressed out of sequence)

---

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to move that the Commissioners Court of Kendall County, Texas adopt an Order authorizing the issuance of "Kendall County, Texas Limited Tax General Obligation Bonds, Series 2023".

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

---

At 3:33 p.m. the Court closed Open Session

At 3:34 p.m. the Court resumed Executive Session

At 5:12 p.m. the Court closed Executive Session and 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 appoint the following to the board of directors of the Kendall County Public Safety Corporation:

Commissioner Andra Wisian to serve as chairwoman, Commissioner Richard Chapman,

Corinna Speer, as further designee Matt Grove as registered agent, Jeff Fincke as chief executive

officer and as advisor board members the fire chief's from 6 volunteer fire departments in Kendall

County including Alamo Springs, Bergheim, Comfort, Kendalia, Sisterdale, and Waring.

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

---

Being no further business, the meeting was adjourned at 5:13 p.m.

**EXAMINED AND APPROVED THIS 22ND DAY OF MAY 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.