

**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 October 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. \_\_\_\_\_  
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2. Pledges 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 Richard Chapman, Precinct 3, 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 Commissioner Court Minutes for October 10, 2023 Regular Meeting and October 16, 2023 Special Called Meeting
  - b. Consideration and action to approve Summary of Road Work for September 2023 (attached)
  - c. Consideration and action to approve Summary of Operations for September 2023 (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 October 23, 2023.

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

**6. September 2023 Service Awards:**

**Todd Setliff                      Constable Precinct 1    5 Years**

**October 2023 Service Awards:**

**Michael Hudson              Sheriff’s Office              5 Years**  
**Jonathan Garcia              District Clerk’s Office      5 Years**  
**Araceli Maldonado            Facilities                        5 Years**

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**7. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution pertaining to the Rainbow Senior Center's application for grant funds from the Texas Department of Agriculture for home-delivered meals (attached).

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

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**8. PUBLIC COMMENTS: Jack Baker, Eric Eggemeyer, Jeremy Diller**

The following person spoke during item #14: Lance Kyle

The following person spoke during item #20: Lance Kyle

The following person spoke during item #21: Lance Kyle

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(The following agenda item #25 was addressed out of sequence.)

**25. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the setback request as well as the request for relief for fencing/landscaping on the south creek side only provided some landscaping be done on Units 29-31 in addition the north side - Wild Turkey side will meet the requirements with landscaping only (Owner: Dominick Caruso III, Fairway Hills Development Group).

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

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**9. Rodney Edmondson, Kendall Appraisal District Board Member and Nelia McNeal, Chief Appraiser gave a presentation from the Kendall Appraisal District.**

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**10. 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.

Motion was made by Commissioner Bergmann, seconded by Commissioner Carpenter, and carried by a vote of 5-0 with Commissioner Chapman abstaining from any matters related to C Dot Consulting LLC.

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**11. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Investment Policy for FY 2024 (attached).

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

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**12-1. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and set the bond amount for the Fire Marshal as well as the blanket bond for the Kendall County Fire Marshal's office for a total of \$923.00 annually.

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

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

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to re-open Agenda Item #12.

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

**12-3. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to amend Motion to set a bond for coverage of \$100,000.00 for the Fire Marshal as well as \$100,000.00 blanket bond for the Kendall County Fire Marshal's office.

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

13. No action was taken pertaining to Kendall County's appointment(s) to the Kendall County Library Advisory Board.

14. The Court discussed a joint transportation public survey with the City of Boerne to gauge public perception about transportation needs.

**15. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the health services agreement with MedHealth for medical services at the Kendall County Jail (attached).

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, 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 approve a contract with Motorola Solutions, Inc. for body worn cameras in an amount not to exceed \$299,908.00 (attached).

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

17. No action was taken pertaining to Interlocal Cooperation Agreement between Kendall County and City of Fair Oaks Ranch for Detention Services.

18. No action was taken pertaining to Interlocal Cooperative Agreement between Kendall County and City of Boerne for Detention Services.

**19. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the operating hours for the Thanksgiving and Christmas holiday's for the solid waste and recycle site as well as the brush site to be closed November 25 and December 23, 2023.

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

**20. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to amend the development regulations of Kendall County as presented to the Court in backup documents and with the addition of the forms to be named appropriately and listed on the county website (attached).

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

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- 21. A motion was made by Commissioner Bergmann and the motion was seconded by Commissioner Wisian to acknowledge Morningside Ministries as wanting to issue tax-exempt financing for Menger Springs Facility as required by Section 147(f) of the United States Revenue Code, but it failed by a vote 0-5.**
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At 12:02 p.m. the Court took a break, Court resumed at 12:06 p.m.

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**22. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the 0.007 acre of right-of-way dedication along North Creek Road (attached).

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

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**23. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve temporary construction easement for construction of Flood Control Structure No. 4 with approval of the property owner as well as legal counsel and the addition of the definition of the completion and paragraph 6 and authorize the Judge to sign the document (attached).

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

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**24. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve to solicit bids for structural modifications to Flood Control Structure No. 4.

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

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**26. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a contract with AGCM for project management services on the HVAC replacement at the Kendall County Jail and Sheriff's Office as approved by general counsel (attached).

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

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- 27. No action was taken pertaining to a request for relief from the road frontage requirements of Section 2.1.F.3 for the creation of a 12-acre tract to be transferred to and combined with the adjacent 51.9-acre tract recorded in Volume 1603 Page 234. The 12-acre tract does not have any road frontage.**
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28. Mary Ellen Schulle, County Engineer gave a presentation from the Engineering Department.

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At 12:42 p.m. the Court recessed Open Session, and 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, 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. Security and public safety discussion following the Eclipse event
  2. Proposition A Committee Update
  3. Legal advice on personnel policies
  4. Updates on pending litigation
  5. Legal advice regarding BKCEDC
  6. ETJ Interlocal Agreement between the City of Boerne and Kendall County
  7. VFD self-dispatches
  8. Legal advice regarding appointments to and participation in AAMPO
  9. Legal advice regarding County's obligation for grants
  10. Updates to courtroom renovations
  11. Flood plain violations

At 1:31 p.m. the Court resumed Executive Session with Judge Stolarczyk, Commissioner Bergmann, Commissioner Chapman, and Commissioner Carpenter present.

At 1:35 p.m. Commissioner Wisian returned to court.

At 5:06 p.m. the Court closed Executive Session and resumed Open Session.

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II-7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to revise county policy to no longer provide stipend reimbursement to volunteer fire department's for self-dispatched calls.

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

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II-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow general counsel to amend the policy manual to omit the longevity from the overall policy of the County for new employees beginning October 1, 2023.

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

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Being no further business, the meeting was adjourned at 5:07 p.m.

EXAMINED AND APPROVED THIS 13TH DAY OF NOVEMBER 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.