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**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 11th day of December 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 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 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 November 13, 2023 Regular Meeting and November 27, 2023 Regular Meeting
  - b. Consideration and action on the approval of the cash summary at Frost Bank for September 2023 (attached)
  - c. Consideration and action to declare the attached list as surplus and salvage property and to proceed with disposition through an online county auction (attached)
  - d. Consideration and action on accepting the list of donations received in November 2023, 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 December 11, 2023.

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

6. **PUBLIC COMMENTS:** John Horstman, Lisa Covington, Jack Baker, James Justice  
The following people spoke during item #10: Wanda McCarthy, Alfred Dreiss, Mike Luckey, Denise Dever, Lance Kyle, Stephen McConnell, Donald Miller, Terri Holcombe, Alex Rudd  
The follow person spoke during item #15: Stephen Kurtz
7. No action was taken on reinstating the burn ban. It is still off.

8. 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 Wisian, and carried by a vote of 5-0.

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10. No action was taken on designating Kendall County Reinvestment Zone No. 3 in accordance with Texas Tax Code § 312.401.

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11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Fire Marshall Jeff Fincke and Commissioner Richard Chapman to continue with moving generators to locations that were discussed today - Historic Courthouse Complex which would include the Historic Courthouse, Historic Jail and IT Department and also move the generator from the Sheriff's location and possibly move it to the Waring Volunteer Fire Department.

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

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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Alterman, Inc. to upgrade the generator located at the EMS Station in Boerne to have the ability to power the entire location and not just the crew quarters and bays, the contract being subject to approval by General Counsel.

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

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13. Commissioner Richard Chapman gave an update to the Court on the progress of ongoing County Projects.

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14. No action taken to approve a contract with Kopplow Construction to build the EMS and Sheriff's Substation at the Voss Middle School site.

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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant a request for relief from Section 1.2(e), Table 5.2.A.1 for a proposed subdivision of parcel 29025 to reduce lot frontage from 50 feet to 40 feet (attached).

Motion was made by Commissioner Carpenter, seconded by Commissioner Wisian, and carried by a vote of 3-2 with Commissioner Carpenter, Commissioner Wisian and Commissioner Bergmann voting

for and Commissioner Chapman and Judge Stolarczyk voting against.

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16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant a request for relief from privacy fencing for parcel 36192 from Section 5.10.G.2 of the Development Regulations to waive the landscaping requirements along the perimeter of the development and also include this would be considered phase 1 of their development. Any additional developments to the property would require it to be presented to the Court for approval for any additional phases of development. The fence line along the north would have no additional changes at this time, on the north side (Mrs. Eckert property) would agree to make all necessary upgrades and improvements to her fence line and flood gap, on the south and eastern borders no additional improvements needed at this time (attached).

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

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17. A motion was made by Commissioner Carpenter and the motion was seconded by Commissioner Wisian to grant a request for relief for parcel 36192 from Section 3.1 of the Amendment to the Development Regulations effective 8/31/2023 to waive the requirement that the groundwater availability report be required for an administratively complete application, subject to the condition that the groundwater availability report shall be provided prior to plat approval and recordation and would like it noted this project started before the new rules became effective, but it failed by a vote 1-4 with Judge Stolarczyk, Commissioner Bergmann, Commissioner Wisian, Commissioner Chapman voting against.
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18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amendment to development regulations (attached).

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

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19. Mary Ellen Schulle, County Engineer gave a presentation from the Engineering Department (attached).
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At 11:51 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: 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. Proposition A Committee Update
  2. Legal advice on personnel policies
  3. Updates on pending litigation
  4. ETJ Interlocal Agreement between the City of Boerne and Kendall County
  5. Flood plain violations
  6. Development Rules and Regulations
  7. Duties and responsibilities of the County Auditor as it pertains to a purchasing agent
  8. Policies and responsibilities regarding usage of the WEN's system
  - 9.

At 1:15 p.m. the Court went into Executive Session

At 4:46 p.m. the Court closed Executive Session and resumed Open Session

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(The following agenda item #9 was addressed out of sequence)

9. Commissioner Chapman postponed the presentation by the Boerne Area Historical Preservation Society (BAHPS).
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Being no further business, the meeting was adjourned at 4:46 p.m.

EXAMINED AND APPROVED THIS 27TH DAY OF DECEMBER 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.