

**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 27th 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  
MARIA CANO, 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 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 the Commissioners Court minutes for December 13, 2023 Regular Meeting
  - b. Consideration and action to approve November Fee Office Reports (attached)
  - c. Consideration and action to approve Summary of Road Work for November 2023 (attached)
  - d. Consideration and action to approve Summary of Operations for November 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 as presented.

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

6. December 2023 Service Awards

Francisca Scarbro	Sheriff's Office	15 Years
Corrie Lindstrom	Tax Office	15 Years
Shelly Jennings	EMS	20 Years

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve declaring December 27, 2023 as Brent Evans Day in Kendall County in recognition of his fifty years of volunteerism with our community. (attached)

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

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8. PUBLIC COMMENTS:

The following person spoke during item number 19: Don L Evans

The following person spoke during item number 22: Don L Evans

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9. No action taken on this agenda item. The burn ban is still off.

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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 in the amount of \$1,387,014.70.

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

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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 County Auditor to apply for the Rural Law Enforcement Grant from the Texas Comptroller on behalf of the county.

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

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12. The presentation regarding the Boerne Area Historical Preservation Society was pulled from the agenda.

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**13. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the FY2024-2025 Biennium Interlocal Agreement with the Regional Public Defender Office for Capital Cases. (attached)

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

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**14. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement for elevator maintenance services for the Kendall County Courthouse in an amount not to exceed \$622.59. (attached)

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

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**15. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement for elevator maintenance services for the Kendall County Historic Courthouse in an amount not to exceed \$205.00. (attached)

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

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**16. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement for septic maintenance services for the Kendall County Animal Shelter in an amount not to exceed \$1,850.00. (attached)

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

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**17. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a contract with Kopplow Construction to build the EMS and Sheriff's Substation at the Voss Middle School site in the amount of \$3,601,218.00.

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

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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 contract with Absolute Communications to install cameras and security door access to the new EMS/Sheriff Substation on the Voss Middle School Property in the amount of \$68,848.92. (attached)

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

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**19. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to conditionally approve the final plat of Windmill Ranch Subdivision in accordance to Chapter 2.4 of the 2022 Development Regulations. The proposed plat consists of 16 residential lots on 98.409 acres and 3069 linear feet of public roadway to be maintained by a private home owners association with the condition the updated home owner's association restrictions account for maintenance of the roadway, the plat notes and statements on the plat regarding private maintenance of drainage and roadway facility is updated. The tracts will be served by individual well and OSSF.

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

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**20. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the financial guarantee for Windmill Ranch in the form of a Cash Deposit Agreement in the amount of \$592,036.42 for street and drainage improvements.

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

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**21. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amending plat of Estancia at Thunder Valley Phase II Subdivision for Lot 21 and Lot 22 in accordance to the Kendall County Development Rules. The purpose of the amending plat is to adjust lot lines (Lot 21 and Lot 22) into Lot 21A and Lot 22A. The lots are served by private water well and on-site wastewater system.

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

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**22. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the naming of a certain private rode off of FM 3351 for safety reasons to Riebe Lane.

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

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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 the naming of a private roadway to Double Diamond Ranch off of SH46 West for safety reasons.

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

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At 10:19 a.m. the Court recessed Open Session, took a small break and went into Executive Session.

At 1:15 p.m. the Court took a lunch break and Resumed Executive session at 2:17 p.m.

- 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 and County Judge as it pertains to a purchasing agent
  8. Discussion on the application of SB22 for personnel in the Sheriff's Office
  9. Fire Code Appeals Board
  10. EMS Temporary and Full Time Positions

At 4:03 p.m. the Court closed Executive Session and resumed Open Session.

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**24. THE STATE OF TEXAS**

**II-9 COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Doug Meckel, Danny Morales and Rick Tobolka to the County Fire Marshals Board of Appeals also having an alternate of Don Durden and Brian Meyer subject to the individuals agreeing to serve on the Board.

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

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**24. THE STATE OF TEXAS**

**II-7 COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Kendall County Order No. 12-27-2023 ORDER APPOINTING KENDALL COUNTY JUDGE AS AN AGENT TO MAKE CONTRACTS ON BEHALF OF THE COUNTY FOR PURCHASES OF \$50,000 OR LESS

WHEREAS, Tex. Loc. Gov't Code Ann. § 262.001 authorizes the Commissioners Court to appoint an agent to make a contract for any purpose authorized by law; and

WHEREAS, Tex. Loc. Gov't Code Ann. § 262.003 provides that the County is exempt from any law that requires the County to follow a competitive procurement procedure for purchases requiring an expenditure of \$50,000 or less; and

WHEREAS, Tex. Loc. Gov't Code Ann. § 262.037 requires that an officer authorized to make a purchase on behalf of the County or County department/office may not make any purchase until providing to the County Judge a signed acknowledgment that the officer has read and understands Tex. Loc. Gov't Code Ann. §§ 262.001, et. seq., as amended; and

WHEREAS, the Commissioners Court finds that by appointing the County Judge as an agent to make contracts on behalf of the County for purchases of \$50,000 or less will save the County significant time and resources; and

WHEREAS, the Commissioners Court finds that by adopting this Order, Kendall County will be in compliance with Tex. Loc. Gov't Code Ann. §§ 262.001, et. seq., as amended.

NOW, THEREFORE, the following ORDER is adopted and effective immediately:

1. All expenditures of \$50,000 or less that require the County to execute a contract must be reviewed by Kendall County's Office of General Counsel and signed by General Counsel noting "Approved As To Legal Form."
2. The Kendall County Auditor must sign the contract with the Auditor's Certificate confirming that the department/office has money budgeted for the expenditure as required by Tex. Loc. Gov't Code Ann. § 113.043.
3. After obtaining signatures from the County Auditor and General Counsel, the contract may be executed by the County Judge.
4. By requiring legal review prior to presenting to the County Judge for execution, the County will comply with Tex. Loc. Gov't Code Ann. § 262.037.

Approved this 27<sup>th</sup> Day of December 2023.

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

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**24. THE STATE OF TEXAS****II-6 COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve KENDALL COUNTY ORDER NO. 12-27-2023B**ORDER AUTHORIZING KENDALL COUNTY COMMISSIONERS AND COUNTY ENGINEER TO APPROVE CERTAIN PLATS**

**WHEREAS, the Commissioners Court of Kendall County must approve, by an order entered in the minutes of the court, a plat required by Tex. Loc. Gov't Code Ann § 232.001; and**

**WHEREAS, the Commissioners Court may impose a plat application fee to cover the cost of the County's review of the plat as provided by Tex. Loc. Gov't Code Ann § 232.0021; and**

**WHEREAS, the Commissioners Court has the authority to delegate plat approval responsibility as provided by Tex. Loc. Gov't Code Ann § 232.0022; and**

**WHEREAS, in the past, deeds, subdivisions of property, and other instruments affecting property were approved by Commissioners Court that were incorrectly approved and recorded in the Kendall County Clerk's Office resulting in incorrect or inaccurate information being reflected in the County's official public records; and**

**WHEREAS, the Commissioners Court desires to provide an expedited process for approval of plat corrections or plat amendments which merely reflect such existing situations in order to ensure that County records correctly indicate existing situations and to save the citizens of Kendall County unnecessary delay and expense; and**

**WHEREAS, in areas within Water Control and Improvement District Number 1 ("WCID 1") may be served by Central Water and Central Sewer; and**

**WHEREAS, amending plats or plat revisions have been prepared for property within the Town of Comfort and within WCID 1 and previously filed in the County Clerk's office; and**

**WHEREAS, these plats were incorrectly processed as amending plats or plat revisions when a new plat should have been submitted.**

**NOW THEREFORE, the following Order is adopted, effective immediately, concerning existing situations where deeds, subdivisions of property, and other instruments affecting property were recorded in the Kendall County Clerk's Office:**

**1. In areas served by a Water Control and Improvement District, the Commissioner of the Precinct where the property is located and the Kendall County Engineer are authorized to approve the plat, plat amendment, or plat revision and waive the plat review fee, in accordance with the Kendall County Development Regulations.**

**2. The Commissioner of the Precinct and the County Engineer shall approve the plat and certify that the plat is correct.**

**3. After approval, the instrument shall be filed in the County Clerk's records.**

**4. To the extent that this Order conflicts with any prior Order adopted by Commissioners Court, this Order controls.**

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

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**Being no further business, the meeting was adjourned at 4:10 p.m.**

**EXAMINED AND APPROVED THIS 8TH DAY OF JANUARY 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.