

**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 12th day of February 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  
PAULA PFEIFFER, DEPUTY COUNTY CLERK

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1. Call to Order - 9:07 a.m.

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2. Pledge of Allegiance to the United States and Texas flags

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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

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4. Declarations of Conflict of Interest – none

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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 Commissioners Court Minutes for the January 22, 2024 Regular Meeting
- b. Consideration and action on accepting the list of donations received in January 2024, on behalf of Kendall County per Local Government Code 81.032 (attached)
- c. Consideration and action to approve the cash summary report at Frost Bank for December 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 February 12, 2024.

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

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- 6. At 9:15 a.m. a public hearing was held pursuant to Texas Local Government Code Chapter Section 111.007, the Commissioners Court will hold a public hearing on the application filed by Eric Eggemeyer for the proposed plat revision of lot 1A recorded in Document No. 2022-367451 of the Kendall County Plat Records. The following person spoke: Jan Stokes

At 9:18 a.m. the public hearing was closed.

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- 7. **PUBLIC COMMENTS: Maxie Zinsmeister**  
 The following people spoke during item #14: Jon Tipton and Scott Ristow  
 The following people spoke during item #18: Julianna Lindner and Denise Dever

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- 8. No action was taken on reinstating the burn ban. It is still off.

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- 9. Jeffrey Fincke, Fire Marshal/EMC gave a presentation regarding end of year statistics and information for Fire Service, EMS, Emergency Management, and Fire Marshal activities.

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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 as presented in the amount of \$7,245,963.80.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 accept the 2023 Racial Profiling Reports from Constable Precincts 1, 2, 3, and 4 (attached).

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

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- 12. Richard Chapman, Commissioner Precinct 3 gave an update to Commissioners Court on Jail Expansion.

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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 hiring of an overlap LVN with the existing jail nurse needed for training purposes.

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

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14. **Commissioner Wisian made a motion to approve the use of SB22 funds for Kendall County Law Enforcement as presented by the Sheriff. Motion died for a lack of a second.**

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At 12:20 p.m. took a break

At 12:22 p.m. resumed Open Session

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(The following agenda items - 18, 19, 20, 21, 22, 23, 24, 25, was addressed out of sequence)

18. **No action was taken on an amendment to Kendall County Order No. 07-25-2022 Adopting Tax Abatement Guidelines and Criteria (attached).**

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19. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat of Cordillera Ranch Subdivision Unit 220 in accordance to the Development Rules and Regulations and relief granted. The proposed subdivision would create 39 residential lots out of 58.940 acres for an average density of 1.511 acres/lot, 3,867 linear feet of private roadway.

Motion was made by Commissioner Wisian, seconded by Commissioner Chapman, 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 Cordillera Ranch Subdivision Unit 220 in the form of a letter of credit in the amount of one million seven hundred ninety-seven thousand seven hundred twenty-seven and 85/100 dollars (\$1,797,727.85) for street and drainage improvements in the subject subdivision.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 grant relief from the setback requirements in Chapter 5.2A of the Development Rules and Regulations for Boerne Motorsports Club (Lot 5 Block A Bergheim Business Park). Relief is being requested for a 10-to-15-foot side setback on the western property line in lieu of the 25 foot (attached).

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

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22. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to grant request for relief from the setback requirements in Chapter 5.2A of the Development Rules and Regulations for the Langston Subdivision (409 7th Street, Comfort, Texas). No new buildings may come any closer than the existing wood structure that is already on lot 2 (attached).

Motion was made by Commissioner Carpenter, seconded by Commissioner Wisian, and carried by a vote of 4-1 with Judge Stolarczyk 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 the final plat of Windmill Ranch Subdivision in accordance to the Development Rules and Regulations. The proposed subdivision would create 16 residential lots out of 98.409 acres for an average density of 6.15 acres/lot, 3,069 linear feet of private roadway. The proposed private subdivision would be served by individual wells and on-site sewage facilities.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, 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 naming a private road – Vogt Road a private roadway that serves 5 houses (attached).

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

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25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve naming a private road off of Edge Falls for safety reasons (attached).

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

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(The following agenda items - 15, 16, 17, was addressed out of sequence)

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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 Vehicle Upfitting Agreement with FarrWest Specialty Vehicles through Houston-Galveston Area Council Contract No. EP11-20 in an amount not to exceed \$147,430.85 (attached).

Motion was made by Commissioner Bergmann, and seconded by Commissioner Chapman, 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 with the caveat under discretionary exemption between Kendall County and P Squared Emulsion Plants, LLC, a sole source provider as authorized by Section 262.024(a)(7) Texas Local Government Code for road materials in an amount not to exceed \$300,000 (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 the Interlocal Agreement between Tarrant County and Kendall County to participate in the **TARRANT COUNTY COOPERATIVE PURCHASING PROGRAM**, pursuant to the authority granted by the "Texas Interlocal Cooperation Act," Chapter 791 Texas Government Code providing for the cooperation between local governmental bodies.

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

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At 1:04 p.m. the Court recessed Open Session, took a lunch break

At 2:16 p.m. the Court 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 party.) State Bar of Texas require confidential communications.
  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. Legal advice on potential employee litigation
  2. Potential litigation – Development Regulations
  3. Development Rules and Regulations
  4. Discussion on Eclipse planning
  5. County Fire Department Personnel
  6. Boerne Kendall County Economic Development Corporation attendance
  7. Community Wildfire Protection Plan Future Strategies
  8. Duties and responsibilities of Fire Marshal Office
  9. Boerne Lockdown After Action Reports
  10. Duties and responsibilities of Commissioners and County Engineer regarding policies and procedures
  11. Courthouse Security Policy and Updates
  12. Legal advice on HIPAA, Health & Safety Code, and Compliance/Enforcement

At 5:40 p.m. the Court closed Executive Session and resumed Open Session

26. STATE OF TEXAS

II-10 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve KENDALL COUNTY ORDER NO. 2-12-2024

**ORDER RECOGNIZING CERTAIN PREVIOUSLY APPROVED 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 et seq, as amended; 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 has the authority to delegate plat approval responsibility as provided by Tex. Loc. Gov't Code Ann § 232.0022; 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, 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 records; 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 WCID 1, the Kendall County Engineer is delegated the authority to file a document and/or instrument in the County Clerk's records correcting any previously approved plat to accurately reflect the plat as a "Final Plat" rather than "Amending Plat," or "Plat Revision".

2. The County Engineer shall certify that the previously approved plat was improperly named and record an affidavit referencing this Order with the Plat in the County Clerk's records.

Adopted by the Commissioners Court of Kendall County, Texas on the 12th day of February, 2024.

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 5:44 p.m.

EXAMINED AND APPROVED THIS 26TH DAY OF FEBRUARY 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.