

**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 February 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.

---

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 Andra Wisian, Precinct 2, Commissioner Richard Chapman, Precinct 3, Commissioner Chad Carpenter, Precinct 4 and Shane Stolarczyk, County Judge

---

4. THE STATE OF TEXAS

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for February 13, 2023.

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

---

5. February 2023 Service Awards:

Tammy Aldrich	Sheriff Office	10 Years
Ramon Eslora	Sheriff Office	20 Years

---

6. The summary of Operations for January 2023 (attached).

---

7. The summary of Road Work for January 2023 (attached).

---

8. THE STATE OF TEXAS

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Fees of Office Report for January 2023 as required by law and from departments that collect money for services.

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

---

**9. 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 as presented.

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

\_\_\_\_\_

**10. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending the FY2023 budget through regular budget adjustments (attached).

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

\_\_\_\_\_

**11. Victor Uvalle, Risk Management Consultant, Cheraun Blankenship, Human Resources Consultant and David Whitis, Law Enforcement Consultant gave a presentation on the Texas Association of Counties Coverages and Risk Control Services.**

\_\_\_\_\_

**12. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Investment Report for the 1st Quarter Fiscal Year 2023, October, November, December 2022 (attached).

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

\_\_\_\_\_

**13. The County Treasurer presented the Sales Tax Report.**

\_\_\_\_\_

**14. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the 2022 Racial Profiling Reports for the Sheriff's Office as presented.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 reinstate the Burn Ban effective today at 12:00 p.m. under Section 352.081, of Texas Local Government Code (order attached).

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

\_\_\_\_\_

**16. PUBLIC COMMENTS: Denise Dever, Richard Elkins, Jan Couch, Lisa Sallick, Maxie Zinsmeister, Wanda McCarthy, Robert Saenz, Brent Evans**  
**The following people spoke during item #18: Alex Rudd, Ben Eldridge, Maxie Zinsmeister**

\_\_\_\_\_

**17. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Hazard Mitigation Plan as presented.

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

---

**18. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Resolution No. 2-27-2023-2 as approved by Kendall County Court (attached).

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

---

**19. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and authorize letters of permission for the Kendall County Youth Agriculture & Equestrian Center for beer and wine to be sold at the Kendall County Republican Party's GO RED Gala on Wednesday, April 19, 2023, with the provision that the servers are in accordance with the laws of the State of Texas and the policies of the Texas Alcoholic Beverage Commission.

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

---

- 20. Juanita Espino, Human Resources Director gave a presentation on the annual report for the Sick Leave Pool Program.**
- 

**21. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the members of the Sick Pool Review Panel which consists of Commissioner Bergmann, Corinna Speer, County Auditor and Juanita Espino, Human Resources Director.

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

---

- 22. Rick Tobolka, County Engineer gave a presentation on the summary of duties and responsibilities of the office along with a list of current and proposed subdivision and development projects.**
- 

- 23. The court discussed the possible action on seeking a citizen emergency alert and notification system to ensure thorough communication about emergencies and other items of public interest.**
- 

**24. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a temporary employee under the Judge's Office for a period of six months to be effective March 1, 2023 in the amount of \$6,000.00.

Motion was made by Commissioner Chapman, seconded by Commissioner Bergmann, 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 approve the IT Director as the Administrator for the County Cybersecurity Compliance Training and allow the IT Department to enroll each County employee into the free cybersecurity course that is certified to fulfill Texas Government Code 2054.5191.

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

---

**26. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a proposal for consulting services for Access Control System Assessment with True North Consulting Group for the amount of \$11,150.00.

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

---

**27. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to allow Commissioner Chapman the signatory authority for potential change orders for the jail expansion project the amount not to exceed 3% of the project and the individual changes will not exceed \$50,000 without coming back to court.

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

---

**28. 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, Unit 304 in the amount of \$711,636.25 for construction of water and sewer improvements (CR/KWW Partnership, Ltd).

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

---

**29. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cashier's Check Deposit Agreement in the amount of \$7,690.40 between North Creek Cottages and Kendall County to serve as a financial guarantee for the satisfactory completion of street and drainage improvements related to the development permit application for North Creek Cottages, Comfort, Texas (B. Jeffrey Brown, North Creek 16 LLC).

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

---

30. No action was taken on a request for relief on Property ID 20745 from the minimum lot size, road frontage, and density requirements of Section 5.1 to create a two-lot subdivision served by individual well and OSSF out of a 1.99-acre tract recorded in volume 678 page 579. The proposed division would create a 1.051-acre lot with 139.26 feet of frontage and a 0.945-acre lot with 200.94 feet of frontage (Sarah and Allen Hannay, Owners).

---

31. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief for Dodge Road Section 2.1.F.10, for the consideration of three 6+ acre tracts and the reconfiguration of a 5.3-acre tract out of a parent tract of approximately 23.6-acres. The tracts will be served by individual well and OSSF. No commercial development on any of the lots and it will be noted on the deed and the plat.

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

---

At 12:10 p.m. the Court recessed Open Session, took a lunch break, and went into Executive Session:

- I. Pursuant to Texas Government Code, Section 551.072 to deliberate the purchase, exchange, 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. Lease of 635 Highway 46 East, Boerne, Texas 78006
  2. Hiring of an Inspector to advise Kendall County on the condition of real property being considered for purchase
  
- II. Pursuant to Texas Government Code, Section 551.071 and 551.074, 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. Newsom Winery Health Inspection Compliance
  2. Law Enforcement Center – Turner Construction and related parties
  3. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
  4. Case No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
  
- III. Pursuant to Texas Government Code Section 551.074, to deliberation 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. Deliberate upon the hiring of In-House General Counsel
  2. Deliberate upon the appointment of George Hyde and firm Hyde Kelley LLP as Interim General Counsel
  3. Deliberate upon the hiring of Outside Legal Counsel: Case No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court

At 3:54 p.m. the Court closed Executive Session, resumed Open Session.

---

32. THE STATE OF TEXAS

III-2 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the hiring of the firm Hyde Kelley LLP as Interim General Counsel for the month of March in the amount of \$9,375.00 to be paid out of General Counsel budget.

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

---

**32. THE STATE OF TEXAS**

**III-3 COUNTY OF KENDALL** It is ordered by the Commissioners’ Court of Kendall County, Texas, to hire Hyde Kelley LLP to represent Kendall County in the legal matter Cause No. 23-063 Waring Land Investments, LLC v. Kendall County.

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

\_\_\_\_\_

**32. THE STATE OF TEXAS**

**I-2 COUNTY OF KENDALL** It is ordered by the Commissioners’ Court of Kendall County, Texas, to hire an inspector up to \$7,500.00 to evaluate properties that Kendall County may consider for purchase as assigned.

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

\_\_\_\_\_

**32. THE STATE OF TEXAS**

**I-1 COUNTY OF KENDALL** It is ordered by the Commissioners’ Court of Kendall County, Texas, to approve a 30-month lease with Boerne Flags Business Park located at 635 State Highway 46 East Boerne for the Justice of the Peace Precinct 2 offices and courtroom in the amount of \$2,214.00 for the first 12 months with an increase of 7% after the first 12 months.

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

\_\_\_\_\_

Being no further business, the meeting was adjourned at 4:01 p.m.

**EXAMINED AND APPROVED THIS 13TH DAY OF MARCH 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.