

**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 13th day of March 2023.

**Present:** SHANE STOLARCZYK, COUNTY JUDGE  
CHRISTINA BERGMANN, COMMISSIONER, PCT. #1 - VIA ZOOM  
ANDRA WISIAN, COMMISSIONER, PCT. #2  
RICHARD CHAPMAN, COMMISSIONER, PCT. #3  
CHAD CARPENTER, COMMISSIONER, PCT. #4  
PAULA PFEIFFER, DEPUTY COUNTY CLERK

1. Call to Order - 9:02 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 Andra Wisian, Precinct 2 and Shane Stolarczyk, County Judge
4. 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. Minutes for February 27, 2023 Commissioners Court meeting
  - b. Accounts payable claims for purchase, services, and vendors
  - c. Amending the FY 2023 budget through regular budget adjustments (attached)
  - d. Cash summary at Frost Bank January 2023 (attached)

**THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 4 Consent Agenda Items.

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

5. **PUBLIC COMMENTS:** Alex Rudd and Lisa Sallick  
The following people spoke during item #12: Wanda McCarthy, Denise Dever, Robert Imler, Tom Teune, Mike Luckey and Maxie Zinsmeiser

**6. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim March 2023 as American Red Cross Month in Kendall County (attached).

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

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim March 2023 to be Texas History Month in Kendall County (attached).

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

8. No action was taken on lifting the burn ban. It is still on.

9. Al Auxier, County Sheriff presented the Sheriff's Office 2022 Annual Report.

Commissioner Wisian left courtroom at 10:20 a.m.

10. No action taken concerning the adoption of the revised order regulating food establishments in Kendall County pursuant to Chapter 437, Texas Health and Safety Code.

11. No action was taken concerning the presentation of the new Assistant Auditor position and the Internal Auditor's salary pursuant to Local Government Code, Section 152.031 (b).

Commissioner Wisian returned to court at 10:22 a.m.

12. Commissioner Wisian gave an update on the City of Boerne Mobility Master Plan and Thoroughfare Plan.

13. Samantha Fabian, STEAR Coordinator gave a presentation on the State of Texas Emergency Assistance Registry (STEAR) program for Kendall County.

14. Commissioner Chapman gave an update on current construction projects.

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Brandt Companies to replace the chiller unit at the Main Courthouse in the amount of \$170,911.00.

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

16. No action taken on approving relief from all permit fees (approximately \$2,000.00 - \$3,000.00) related to Comfort Chamber of Commerce's 500 square foot addition to their existing building.

17. Mary Ellen Schulle, Assistant County Engineer gave a presentation on the Household Hazardous Waste Collection Event to be held on April 29, 2023 at the Solid Waste Recycling Center located at 46 Spanish Pass, Boerne, Texas 78006 (attached).

**18. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the right-of-way along Vallerie Lane in conjunction with a City of Boerne development agreement for Corley Farms.

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

---

- 19.** No action was taken on the request for relief from the road frontage requirements of Section 2.1F.10 (Lots Larger than 6 Acres) for the creating of a 6.042 acre-tract out of a parent tract of approximately 286 acres. Access to the proposed tracts would be over a 60' wide easement for roadway purposes to an existing variable width easement for roadway purposes to Holiday Road (Owner, Bryan Lindner).
- 

At 12:24 p.m. the Court recessed Open Session, 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.** Discussion regarding the purchase of office/warehouse/and other space for the county
- 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.** Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
  - 2.** Cause No. 23-079, Scott Harrison v. Barbara Christman et al.. in the 451st Judicial District Court
  - 3.** Kendall County Employment Practices Audit – Shannon Schmoyer and firm Schmoyer Reinhard, LLC
- III.** Pursuant to Texas Government Code Section 551.074, to deliberate on the appointment, employment, evaluation, reassignment, duties, discipline, 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.** Discussion and update regarding personnel and sexual harassment policy and procedures
  - 3.** Deliberate upon the appointment of George Hyde and firm Hyde Kelley LLP as Interim General Counsel

At 3:34 p.m. the Court closed Executive Session and resumed Open Session.

---

**II-3 THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to hire Schmoyer Reinhard, LLC to perform a Kendall County Employment Practices Audit.

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

---

**III-1 THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to hire In-House General Counsel at the agreed upon salary.

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

\_\_\_\_\_

Being no further business, the meeting was adjourned at 3:35 p.m.

EXAMINED AND APPROVED THIS 27TH 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.