

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
March 14, 2023 – 6:00 PM

Minutes of the Regular City Council Meeting on March 14, 2023.

Present: 5 - Mayor Tim Handren, Mayor Pro Tem Ty Wolosin, Council Member Nina Woolard, Council Member Quinten Scott, and Council Member Bryce Boddie

Absent: 1 - Council Member Joseph Macaluso

Council Member Joseph Macaluso arrived at 6:22 p.m. virtually.

Staff Present: Ben Thatcher, Siria Arreola, Sarah Buckelew, Jeff Carroll, Lori Carroll, Rhea Cooper, Laura Haning, Lissette Jimenez, Alicia Kreh, Nick Montagno, Mike Raute, Chris Shadrock, and Kristy Stark.

Registered/Recognized Guest: Robert Imler, Pamela Brauchle, Travis Roberson, Christina Ryrholm, Susan Friar, and Lucas Hiler.

1. CALL TO ORDER – 6:00 PM

Mayor Handren called the City Council Meeting to order at 6:00 p.m.

Mayor Handren called on Mr. Gary Cook of the First Baptist Church to provide the Invocation.

Mayor Handren led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Robert Imler, 215 W Bandera Rd., stated he thought the city would hold two public hearings before changes were made to the Thoroughfare Plan.

Travis Roberson, 313 Fry, stated he was unaware of changes being made to short term rentals. Mr. Roberson purchased, plotted, and zoned a property based on the Unified Development Code requirements a year ago for short term rentals. He may not be allowed to rent the property he purchased for that purpose with the new ordinance regulating short-term rentals.

4. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, and Council Member Boddie

Absent: 1 - Council Member Macaluso

- A. [2023-272](#) **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON FEBRUARY 28, 2023 AND SPECIAL CALLED MEETING ON MARCH 2, 2023 (BISD STATE OF THE DISTRICT).**

THE MINUTES WERE APPROVED.

- B. [2023-239](#) **CONSIDER ON SECOND READING ORDINANCE NO. 2023-04; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, REZONING +/- 1 ACRE OUT OF 4.349 ACRES LOCATED AT 12 HERFF ROAD (A10441 - SURVEY 183 J SMALL, KAD 15815) FROM C1-HC, NEIGHBORHOOD COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT, TO C2-HC, TRANSITIONAL COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Woodmont Boerne Academy LLC)**

THE ORDINANCE WAS APPROVED.

- C. [2023-240](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-05; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT FOR DAYCARE FACILITY ON APPROXIMATELY +/- 1 ACRE OF THE SITE, LOCATED AT 12 HERFF ROAD (A10441-SURVEY 183 J SMALL, KAD 15815) IN A C2-HC, TRANSITIONAL COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Woodmont Boerne Academy LLC)

THE ORDINANCE WAS APPROVED.

- D. [2023-234](#) CONSIDER THE ANNUAL REVIEW OF THE CITY OF BOERNE'S INVESTMENT POLICY AND BROKER-DEALER LIST.

THE INVESTMENT POLICY AND DEALER-BROKER LIST WERE APPROVED.

- E. [2023-280](#) CONSIDER RESOLUTION NO. 2023-R17; A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CITY IMPROVEMENTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE. (City of Boerne, Texas General Obligation Bonds, Series 2023)

THE RESOLUTION WAS APPROVED.

- F. [2023-281](#) SET A PUBLIC HEARING FOR MARCH 28, 2023, AT 6:00 P.M. FOR THE PROPOSED ADOPTION OF THE CITY OF BOERNE MOBILITY MASTER PLAN, A LONG-RANGE PLAN FOR FUTURE TRANSPORTATION IN THE CITY.

PUBLIC HEARING WAS SET FOR MARCH 28, 2023.

- G. [2023-282](#) SET A PUBLIC HEARING FOR MARCH 28, 2023, AT 6:00 P.M., FOR

THE PROPOSED ADOPTION OF THE CITY OF BOERNE
THOROUGHFARE PLAN SUPERSEDING THE PREVIOUS
THOROUGHFARE PLAN LAST UPDATED JANUARY 8, 2019.

PUBLIC HEARING WAS SET FOR MARCH 28, 2023.

- H. [2023-286](#) SET A PUBLIC HEARING FOR MARCH 28, 2023, AT 6:00 P.M. FOR PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO CHAPTER 1. GENERAL PROVISIONS, CHAPTER 2. PROCEDURES, CHAPTER 3. ZONING, CHAPTER 4. RESIDENTIAL SITES, CHAPTER 5. NONRESIDENTIAL SITES, CHAPTER 6. SUBDIVISION DESIGN, CHAPTER 7. INFRASTRUCTURE DESIGN, CHAPTER 8. ENVIRONMENTAL DESIGN, CHAPTER 9. SIGNAGE AND APPENDICES. (Amendments to Unified Development Code)

PUBLIC HEARING WAS SET FOR MARCH 28, 2023.

REGULAR AGENDA:

5. RESOLUTIONS

- A. [2023-278](#) RECEIVE BIDS FOR 2023 STREET PATCHING AND CONSIDER RESOLUTION NO. 2023-R18; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR 2023 STREET PATCHING TO _____ FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. (2023 Street patching)

Mayor Handren called on Ms. Cheryl Rogers, City Engineer. Ms. Rogers stated this is the second year of the street patching program. Locations were determined from the 10-year street maintenance plan. Esser Road, School Street, and Haven Court in the Regent Park Neighborhood will be patched. City staff recommended awarding the construction bid to Bueno Pro Services, LLC.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO RECEIVE BIDS FOR 2023 STREET PATCHING AND APPROVE RESOLUTION NO. 2023-R18; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR 2023 STREET PATCHING TO BUENO PRO SERVICES, LLC FOR AN AMOUNT NOT TO EXCEED \$138,000.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. (2023 STREET PATCHING). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, and Council Member Boddie

Absent: 1 - Council Member Macaluso

B. [2023-273](#) CONSIDER RESOLUTION NO. 2023-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTER-FUND LOAN AGREEMENT FOR A GAS UTILITY CAPITAL PROJECT.

Mayor Handren called on Ms. Sarah Buckelew, Finance Director and Mr. Mike Mann, Utilities Director. Ms. Buckelew stated agenda items 5B, 5C and 6A will be discussed together. Each item will need separate action by City Council.

Mr. Mann discussed problems maintaining pressure in the gas grid during severe winter weather in areas of Ranches at Creekside Neighborhood. He displayed a map of the area for the proposed Eastern Natural Gas Main Pipeline Loop and the City's service area of natural gas. This project will bring another large diameter distribution feed from the south end of the system into the east end. It will take a year or more to get a project like this built. This project is not included in the current budget but is included in the capital improvement plan for next year or the year after. He recommended that City Council approve an agreement with HDR Engineering, Inc. for design and construction of the pipeline. Mr. Mann then stated that Ms. Buckelew will present how the pipeline project will be funded.

Ms. Buckelew, explained the Electric Fund has available fund balance. An inter-fund loan from the Electric Fund to the Gas Fund would save the City about \$500,000 in interest fees. It will be necessary to amend the budget for the expenditure, the budget amendment does account for the loan. Discussion

ensued about extra funds in the Electric Fund and any pending capital projects.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2023-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTER-FUND LOAN AGREEMENT FOR A GAS UTILITY CAPITAL PROJECT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, and Council Member Boddie

Absent: 1 - Council Member Macaluso

C. [2023-191](#) **CONSIDER RESOLUTION NO. 2023-R20; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR THE PROPOSED EASTERN NATURAL GAS MAIN PIPELINE LOOP FOR AN AMOUNT NOT TO EXCEED \$437,000.00.**

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R20; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR THE PROPOSED EASTERN NATURAL GAS MAIN PIPELINE LOOP FOR AN AMOUNT NOT TO EXCEED \$437,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, and Council Member Boddie

Absent: 1 - Council Member Macaluso

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. [2023-274](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2023-08; AN ORDINANCE AMENDING ORDINANCE NO. 2022-27, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN ACCORDANCE**

WITH CHAPTER 102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIOUS AMOUNTS THEREOF". (Amend budget for Fiscal Year 22-23)

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-08; AN ORDINANCE AMENDING ORDINANCE NO. 2022-27, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIOUS AMOUNTS THEREOF". (AMEND BUDGET FOR FISCAL YEAR 22-23). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, and Council Member Boddie

Absent: 1 - Council Member Macaluso

B. [2023-284](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; AMENDING THE UNIFIED DEVELOPMENT CODE REGULATIONS GOVERNING SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT. (Regulation of short-term rental properties)

Council Member Macaluso arrived at 6:22 p.m. virtually.

Mayor Handren recognized Council Members Nina Woolard and Bryce Boddie, as well as two Planning and Zoning Commissioners Lucas Hiler and Susan Friar present at the meeting for serving on the Short-term Rental Subcommittee. Mayor Handren called on Ms. Laura Haning, Planning Director. Ms. Haning reviewed a timeline for the proposed short-term rental ordinance. A

subcommittee was formed to review and assess the procedures in the Unified Development Code. Discussion ensued about responses received from the Short-term Rental survey conducted in March 2022, issued permits and temporary permits. There are 65 current permits and 34 temporary permits at this time.

Mayor Handren called on Mr. Lucas Hiler, Chairman of the Short-term Rental Subcommittee and Member of the Planning and Zoning Commission. Mr. Hiler expressed gratitude to everyone involved in the process. A lot of thought and work was put into forming an ordinance for short-term rentals which took a year.

Discussion ensued regarding concerns of over-regulating, supporting short-term rental owners, protecting homeowners and the character of Boerne. It was decided by City Council Members to defer taking action for the moment until after discussion with the city attorney in Executive Session to address legal issues.

7. CITY MANAGER'S REPORT:

A. [2023-275](#) LONE STAR LEGACY AWARD FOR VETERANS' PLAZA.

Mayor Handren called on City Manager, Ben Thatcher. Mr. Thatcher stated in celebration of the 100th year of the installation of the Graham Monument at Veteran's Plaza, the picture was recreated from 100 years ago. Mr. Thatcher thanked Paul Barwick, Mary Woods and Chris Shadrock for their work. This event was a year in the making.

Mr. Thatcher asked Lissette Jimenez, Parks Director to speak. She said the City made history with the Lone Star Legacy Award for Veteran's Plaza. Veteran's Plaza is one of 72 parks in the nation with this acknowledgment. She thanked Mayor Handren for a great job MCing the event and Erika Rowe for singing the National Anthem.

B. [2023-276](#) BRUSH COLLECTION UPDATE.

Mr. Thatcher continued providing a report of brush collected. For the winter

storm pickup 138 requests have been completed, in February 130 requests were completed and 38 pickups scheduled for March. He thanked the Street Department for their work.

8. COMMENTS FROM COUNCIL – No discussion or action may take place.

Council Member Wolosin congratulated the Boerne High School Boys Basketball Team for a great season.

Council Member Boddie stated the Veteran's Plaza dedication was awesome and Erika Rowe did a great job singing.

9. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

Mayor Handren convened the City Council into Executive Session at 7:10 p.m.

A. [2023-298](#) SECTION 551.071- CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION REGARDING DEVELOPMENT AGREEMENT BETWEEN BOERNEBAK AND CITY OF BOERNE.

No action was taken.

B. [2023-299](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY REGARDING SHORT- TERM RENTALS.

No action was taken.

Council Member Joseph Macaluso left the City Council Meeting at 8:13 p.m.

10. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

Mayor Handren reconvened the City Council into Open Session at 8:14 p.m.

[2023-284](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-09; AN

ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; AMENDING THE UNIFIED DEVELOPMENT CODE REGULATIONS GOVERNING SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT. (Regulation of short-term rental properties)

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO TABLE ORDINANCE NO. 2023-09, AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; AMENDING THE UNIFIED DEVELOPMENT CODE REGULATIONS GOVERNING SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT (REGULATION OF SHORT-TERM RENTAL PROPERTIES) NO LATER THAN APRIL 25, 2023. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, and Council Member Boddie

Absent: 1 - Council Member Macaluso

11. ADJOURNMENT

Mayor Handren adjourned the City Council Meeting at 8:17 p.m.

Mayor

City Secretary