

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
October 12, 2021 – 6:00 PM

Minutes of the Regular Called City Council meeting of October 12, 2021.

Present: **6 -** Mayor Tim Handren, Mayor Pro Tem Ty Wolosin, Council Member Nina Woolard, Council Member Quinten Scott, Council Member Bryce Boddie, and Council Member Joseph Macaluso

Staff Present: Ben Thatcher, Siria Arreola, Paul Barwick, Paul Bilotta, Sarah Buckelew, Jeff Carroll, Lori Carroll, Laura Haning, Lissette Jimenez, Sandy Mattick, Nick Montagno, Steve Perez, Barbara Quirk, Mike Raute, Chris Shadrock, Kristy Stark, Jeanette Teague, and Larry Woods.

Recognized/Registered Guests: Justin McKenzie, Amy Story, Rick Swinghamer, Baron Wiley, Hector Santiago, Jason Repak, Ross Stiteley.

1. CALL TO ORDER – 6:00 PM

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

INVOCATION

Mayor Handren asked Elder Landon Shumway from the Church of Jesus Christ of Latter-Day Saints 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:

Mr. Mark Sierra, owner of Las Compadres Restaurant spoke regarding the non-profit organization called VOSBO (Veteran Owned Small Business Organization) of which he is president. The organization would like to construct and install a procession of flags at Veteran's Park. He asked Mr. Chuck Brower to provide more information on the project. Mr. Brower stated that he expects the project to cost approximately \$20,000.00. A capital campaign will be held to raise the money. It is hoped that the project will be completed in early spring, in time for Memorial Day.

4. [2021-876](#) KENDALL COUNTY BOERNE FAIR OAKS TRANSPORTATION COMMITTEE UPDATE.

Mayor Handren asked the co-chairs of the Transportation Committee, Don Durden and Bob Manning to provided an update. Mr. Durden stated in order to be transparent, a website has been created to provide information regarding the meetings. The meetings are open to the public and the public is given the opportunity to comment during the meeting. Not only is transportation and mobility discussed at the meetings but also drainage. The Committee has received more than 300 mobility comments from the community. The Committee will ration down to a short list of about 60. Mr. Manning reviewed the purpose of the committee which was established in 2019. He stated that the committee is made up of local citizens. Mayor Handren referred to the Gateway Study and the article written by Committee Member Jonah Evans.

5. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

- A. [2021-862](#) CONSIDER THE APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF SEPTEMBER 14, 2021.
- B. [2021-873](#) CONSIDER RESOLUTION NO. 2021-R47; A RESOLUTION ADOPTING THE 2022 CITY OF BOERNE ROLLING TEN YEAR PLAN.
- C. [2021-832](#) CONSIDER RESOLUTION NO. 2021-R48; A RESOLUTION AUTHORIZING THE CLOSURE OF A PORTION OF MAIN STREET (HWY 87) DURING CERTAIN HOURS FOR DICKENS ON MAIN AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION. (Main Street closure for Dickens on Main event)
- D. [2021-872](#) CONSIDER RESOLUTION NO. 2021-R49; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, CITY OF FAIR OAKS RANCH, AND KENDALL COUNTY FOR PUBLIC SAFETY AND UTILITIES COMMUNICATION. (Annual agreement for dispatch services)

6. ORDINANCES:

- A. [2021-871](#) CONSIDER ON FIRST READING ORDINANCE NO. 2021-33; AN ORDINANCE AUTHORIZING THE INSTALLATION OF STOP SIGNS AND YIELD SIGNS FOR THE FOLLOWING SUBDIVISIONS: SOUTHGLEN PHASE 5, CHAMPION HEIGHTS UNIT 3, SOUTHGLEN PHASE 9, SOUTHGLEN PHASE 4, OVERLOOK AT BOERNE, REGENT PARK UNIT 3, LEGACY AT CIBOLO UNIT 1, SOUTHGLEN PHASE 6A, REGENT PARK UNIT 2, SOUTHGLEN PHASE 6 & 7, COMMONS AT MENDER CREEK UNIT 5, SOUTHGLEN PHASE 8, AND SOUTHGLEN PHASE 11A; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR PUBLICATION. (Establishing new locations of stop signs and yield signs throughout the city)

Mayor Handren called on Mr. Jeff Carroll, Development Services Director. Mr. Carroll stated that with new neighborhoods, it is necessary to establish areas where stop and yield signs are needed for safety. He displayed a map of the

new subdivisions.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2021-33; AN ORDINANCE AUTHORIZING THE INSTALLATION OF STOP SIGNS AND YIELD SIGNS FOR THE FOLLOWING SUBDIVISIONS: SOUTHGLEN PHASE 5, CHAMPION HEIGHTS UNIT 3, SOUTHGLEN PHASE 9, SOUTHGLEN PHASE 4, OVERLOOK AT BOERNE, REGENT PARK UNIT 3, LEGACY AT CIBOLO UNIT 1, SOUTHGLEN PHASE 6A, REGENT PARK UNIT 2, SOUTHGLEN PHASE 6 & 7, COMMONS AT MENDER CREEK UNIT 5, SOUTHGLEN PHASE 8, AND SOUTHGLEN PHASE 11A; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR PUBLICATION. (ESTABLISHING NEW LOCATIONS OF STOP SIGNS AND YIELD SIGNS THROUGHOUT THE CITY). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

7. PRESENTATIONS, PUBLIC HEARINGS, AND RESOLUTIONS:

- A. [2021-864](#) **CONSIDER RESOLUTION NO. 2021-R50; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT (NON-ANNEXATION AGREEMENT) WITH WYATT JAMES L JR PROPERTY MANAGEMENT TRUST ON SAID PROPERTY DESCRIBED IN THE ATTACHED AGREEMENT AND METES AND BOUNDS LEGAL DESCRIPTION. (Wyatt James L Jr Property Management Trust, 36025 IH-10 West)**

Mayor Handren called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning displayed a location map of the property located at 36025 IH-10 West. The property is currently on the market and there is an interested buyer. The buyer is interested in developing this property for apartments. The property owner requested a non-annexation agreement which will lock the property owner into annexation if the property is developed.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2021-R50; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT (NON-ANNEXATION AGREEMENT) WITH WYATT JAMES L JR PROPERTY MANAGEMENT TRUST ON SAID PROPERTY DESCRIBED IN THE ATTACHED AGREEMENT AND METES AND BOUNDS LEGAL DESCRIPTION. (WYATT JAMES L JR PROPERTY MANAGEMENT TRUST, 36025 IH-10 WEST). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

B. [2021-865](#) PROPOSED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING ROERS COMPANIES APPLICATION FOR HOUSING TAX CREDITS/PRIVATE ACTIVITY BOND APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR BLUFFVIEW APARTMENTS. (Wyatt James L Jr Property Management Trust, 36025 IH-10 West)

I. PRESENTATION

II. PUBLIC HEARING (one of one hearing)

III. CONSIDER RESOLUTION NO. 2021-R51; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING ROERS COMPANIES APPLICATION FOR HOUSING TAX CREDITS/PRIVATE ACTIVITY BOND APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR BLUFFVIEW APARTMENTS.

Ms. Haning continued with an additional request regarding the property located at 36025 IH-10 West. The potential buyer of the property is requesting support of the Texas Department of Housing and Community Affairs (TDHCA) to develop a 192 unit apartment complex to be supported by tax credits. She displayed a proposed site plan and discussed the requirements of the proposed development. She introduced Ross Stiteley and Logan Schmidt from

Roers Company. Mr. Stiteley provided background of the company and the makeup of the proposed development. He stated that Boerne is a growing area and has a very low vacancy rate of current apartments in the area. Roers will own the development for at least 15 years. After 15 years the company can apply for a new series of tax credits to assure the facility is maintained. Discussion ensued regarding utilities and water detention.

Mayor Handren opened the Public Hearing 6:56 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:56 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R51; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING ROERS COMPANIES APPLICATION FOR HOUSING TAX CREDITS/PRIVATE ACTIVITY BOND APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR BLUFFVIEW APARTMENTS. (WYATT JAMES L JR. PROPERTY MANAGEMENT TRUST, 36025 IH-10 WEST) THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

C. [2021-866](#) CONSIDER RESOLUTION NO. 2021-R52; A RESOLUTION OF THE CITY OF BOERNE ASSERTING ITS DESIRE TO BECOME A DARK SKY COMMUNITY.

Ms. Haning stated the 2018 Comprehensive Plan identified night sky protection as a means to protect our environment. Staff is working with the County to write regulations that are uniform so that once we are dark sky certified, the enforcement will be uniform across the county.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2021-R52; A RESOLUTION OF THE CITY OF BOERNE ASSERTING ITS DESIRE TO BECOME A DARK SKY COMMUNITY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

D. [2021-821](#) CONSIDER RESOLUTION NO. 2021-R53; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, ADOPTING AN EMERGENCY OPERATIONS PLAN.

Mayor Handren called on Police Captain Steve Perez. Captain Perez stated that it is necessary to have an Emergency Operations Plan in place to be able to receive state and federal reimbursement in the event of a disaster or emergency.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE RESOLUTION NO. 2021-R53; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, ADOPTING AN EMERGENCY OPERATIONS PLAN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

E. [2021-875](#) CONSIDER RESOLUTION NO. 2021-R54; A RESOLUTION SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE CREATION OF THE RANCHES AT CREEKSIDE PUBLIC IMPROVEMENT DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF BOERNE, TEXAS; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF BOERNE, TEXAS REGARDING THE PUBLIC HEARING. (Accept the petition for creation of the Ranches at Creekside Public Improvement District and set a public hearing for November 9, 2021)

Mayor Handren called on Nick Montagno, Assistant to the City Manager. Mr. Montagno reminded the City Council that the Public Improvement District Policy was adopted in January 2021. Since that time, staff has received a request from the Ranches at Creekside developer for the remaining undeveloped land in the subdivision. Mr. Rosenberg with Developing and Planning Financial Group, Inc. (DPFG) explained the PID concept which helps

developers with financing and is an economic development tool created by the state. He provided an overview of the project and identified additional community benefits from the funds.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R54; A RESOLUTION SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE CREATION OF THE RANCHES AT CREEKSIDE PUBLIC IMPROVEMENT DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF BOERNE, TEXAS; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF BOERNE, TEXAS REGARDING THE PUBLIC HEARING. (ACCEPT THE PETITION FOR CREATION OF THE RANCHES AT CREEKSIDE PUBLIC IMPROVEMENT DISTRICT AND SET A PUBLIC HEARING FOR NOVEMBER 9, 2021). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Boddie

F. [2021-822](#) **CONSIDER RESOLUTION NO. 2021-R55; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE THE SALE OF 2.49 ACRES OF REAL PROPERTY LOCATED AT 402 E BLANCO RD., BOERNE, TEXAS (FORMERLY USED AS THE BOERNE CITY HALL), MORE FULLY DESCRIBED AS LOT 120A, BOERNE ORIGINAL TOWN, BY SEALED BID PROCESS, TO SET THE PROCEDURES FOR THE SEALED BID PROCESS, TO SET THE MINIMUM BID AMOUNT, AND TO PROVIDE FOR PUBLICATION OF NOTICE OF THE REQUEST FOR SEALED BIDS. (Establish process for sealed bids for sale of 402 E. Blanco)**

Nick Montagno continued with the disposition of the old City Hall building located at 402 E. Blanco. To sell the building using the sealed bid process, will take approximately three months. Mr. Montagno provided a timeline. The City Council will consider all bids and can accept or reject bids received. Staff is recommending setting the minimum bid amount equal to the appraised value of the property which was \$2,538,000.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R55; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE THE SALE OF 2.49 ACRES OF REAL PROPERTY LOCATED AT 402 E BLANCO RD., BOERNE, TEXAS (FORMERLY USED AS THE BOERNE CITY HALL), MORE FULLY DESCRIBED AS LOT 120A, BOERNE ORIGINAL TOWN, BY SEALED BID PROCESS, TO SET THE PROCEDURES FOR THE SEALED BID PROCESS, TO SET THE MINIMUM BID AMOUNT, AND TO PROVIDE FOR PUBLICATION OF NOTICE OF THE REQUEST FOR SEALED BIDS. (ESTABLISH PROCESS FOR SEALED BIDS FOR SALE OF 402 E. BLANCO). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

8. OTHER ITEMS:

A. [2021-863](#) DISCUSSION ON WATER WORKS TERRACE DESIGN AND FEASIBILITY STUDY.

Mayor Handren called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick stated that in April 2021, Council approved a professional services agreement with Luck Design Team to prepare a feasibility study for the Waterworks Terrace Park improvements. Mr. Barwick introduced Mr. Brent Luck of Luck Design Team to review the findings of the study. He also provided three concepts to include site plans for the Park. Discussion ensued regarding parking, width of the street, materials to be used, and potential cost of the project. It was the consensus of the city council to move forward with concept 3 which will be added to the Parks Master Plan. Funding for the project, whether grant or public participation will be considered at a future council meeting.

9. CITY MANAGER'S REPORT:

A. [2021-874](#) INTRODUCTION OF FINANCE DIRECTOR, SARAH BUCKELEW.

Mayor Handren called on City Manager Ben Thatcher. Mr. Thatcher introduced the City's new Finance Director Sarah Buckelew and spoke on her work history.

Mr. Thatcher stated that Ms. Sandy Mattick will be retiring at the beginning of the new year and was thoughtful enough to give management ample time to find her replacement.

B. [2021-867](#) SEMI-ANNUAL STAFF UPDATE FROM THE CONVENTION AND VISITOR'S BUREAU.

Mr. Thatcher asked Mr. Larry Woods, Convention and Visitors Bureau to provide an update on marketing and advertising, hotel occupancy, and the Rod Run event this past year.

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

No comments were received.

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

Mayor Handren convened the City Council into Executive Session at 8:22 p.m.

A. [2021-868](#) SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.

No action was taken.

B. [2021-869](#) SECTION 551.072 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (Project Hive)

No action was taken.

C. [2021-870](#) SECTION 551.072 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (Project Warren)

No action was taken.

12. 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 9:30 p.m.

No action was taken.

13. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 9:30 p.m.

Approved:

Mayor

Attest:

City Secretary