

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
May 9, 2023 – 6:00 PM

Minutes of the May 9, 2023 City Council Meeting.

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

Absent: 1 - Council Member Nina Woolard

Staff Present: Ben Thatcher, Siria Arreola, Sarah Buckelew, Jeff Carroll, Lori Carroll, Laura Haning, Mike Mann, Mick McKamie, Mike Raute, Steve Riggs, Chris Shadrock, Kristy Stark and Danny Zincke.

Registered/Recognized Guests: Christina Ryrholm, Anne Handren, Greg and Stephanie Arreola, Sharon Wright, Joe Bateman, Frank Ritchie, Robert Imler, Tyler Hunt, and Carol and Jim Marquardt.

1. CALL TO ORDER – 6:00 PM

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

Mayor Handren asked Pastor Greg Arreola of the Kendall County Cowboy 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:

No comments were received.

4. CONSENT AGENDA:

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

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

A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON APRIL 25, 2023.

THE MINUTES WERE APPROVED.

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. CONSIDER ON SECOND READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (Amendments to Records Management Program and Records Management Plan)

Mayor Handren called on Ms. Lori Carroll, City Secretary. Ms. Carroll reminded the City Council of the discussion at the last council meeting regarding the proposed changes to the city's Records Management Plan. It is staff's recommendation to also include the modification to destroy commercial building plans after scanning. Discussion ensued regarding retaining commercial building plans that may have a historical value.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE ON SECOND READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (AMENDMENTS TO RECORDS MANAGEMENT PROGRAM AND RECORDS MANAGEMENT PLAN). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. (Update to Impact Fees, one of one public hearing)

Mayor Handren called on Utilities Director Mike Mann to review the Utilities Impact Fees. He discussed the calculation requirement which equates to a reduction. Mr. Mann provided the modifications to the ordinance.

Mayor Handren opened the Public Hearing at 6:15 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:15 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. (UPDATE TO IMPACT FEES, ONE OF ONE PUBLIC HEARING). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

C. CONSIDER ON FIRST READING ORDINANCE NO. 2023-19; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF

ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021 EDITION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE NEWSPAPER. (Adopt International Residential and Energy Conservation Codes 2021 Edition)

Mayor Handren called on Ms. Laura Haning, Planning Director. Ms. Haning discussed proposed exemptions in the Building Regulation Ordinance. Chief Building Official Steve Riggs explained the Climate Zones and recommended the city use Zone 2 which doesn't require as much insulation as climates in Zone 3. Mr. Haning reviewed staff recommendations to amend Chapter 5 Article II R105.2 regarding accessory structures, sidewalks and driveways, and decks. Discussion ensued regarding wooden decks and impervious cover.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-19; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021 EDITION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE NEWSPAPER TO INCLUDE AMENDMENTS AS PRESENTED. (ADOPT INTERNATIONAL RESIDENTIAL AND ENERGY CONSERVATION CODES 2021 EDITION). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. RESOLUTIONS

A. PUBLIC HEARING AND CONSIDER RESOLUTION NO. 2023-R37; A RESOLUTION OF NO OBJECTION BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS

**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA)
FOR TRAILS AT RIVER ROAD (711 RIVER ROAD). (Proposed
construction or rehabilitation of a 107 unit complex located at
711 River Road)**

Mayor Handren called on City Manager Ben Thatcher to explain the application for housing tax credits from EC Oaks Trails, LLC. Tyler Hunt representing Evolve Communities, LLC stated that the complex will remain a unit mix site. Mr. Hunt stated that the interiors and exteriors will be updated. The tax credit will not affect the city's tax rolls.

Mayor Handren opened the Public Hearing at 6:43 p.m.

Robert Imler, 215 West Bandera Road asked for clarification of the name of the apartment complex.

Mayor Handren closed the Public Hearing at 6:44 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R37; A RESOLUTION OF NO OBJECTION BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD). (PROPOSED CONSTRUCTION OR REHABILITATION OF A 107 UNIT COMPLEX LOCATED AT 711 RIVER ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. CONSIDER RESOLUTION NO. 2023-R38; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD) AND ACKNOWLEDGING MORE THAN TWICE THE STATE AVERAGE PER CAPITA SUPPORTED BY HOUSING TAX CREDITS. (Proposed construction or rehabilitation of a 107 unit complex located at

711 River Road)

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R38; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD) AND ACKNOWLEDGING MORE THAN TWICE THE STATE AVERAGE PER CAPITA SUPPORTED BY HOUSING TAX CREDITS. (PROPOSED CONSTRUCTION OR REHABILITATION OF A 107 UNIT COMPLEX LOCATED AT 711 RIVER ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. OTHER ITEMS:**A. RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023.**

Mayor Handren called on Ms. Sarah Buckelew, Finance Director. Ms. Buckelew provided an overview of the Quarterly Financial and Investment Reports. She stated that since the budget was set, Fed Funds Target Rate has more than quadrupled. As of March, actual revenue is approximately four times budget. Discussion ensued regarding sales tax projections.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. MAYORAL APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION AND THE PLANNING AND ZONING COMMISSION.

Mayor Handren stated that there were some resignations, appointments and re-appointments that needed to be resolved on the Planning and Zoning Commission and the Historic Landmark Commission.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE THE MAYORAL APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION AND THE PLANNING AND ZONING COMMISSION AS PROVIDED. HISTORIC LANDMARK COMMISSION: RE-APPOINT PATTI MAINZ, APPOINT JUSTIN BOERNER AS CHAIR , APPOINT SALLY PENA AS VICE CHAIR AND APPOINT JULIA MURPHY AND LYNNESSE GRAVES. PLANNING AND ZONING COMMISSION: RE-APPOINT TIM BANNWOLF AS CHAIR, RE-APPOINT LUCAS HILER AND APPOINT CARLOS VECINO. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

8. CITY MANAGER'S REPORT:

Mayor Handren called on City Manager Ben Thatcher to provide the City Manager's Report.

A. WEBSITE UPDATE AND LAUNCH OF NEW COMMUNITY CALENDAR.

City Manager Thatcher called on Mr. Chris Shadrock, Communications Director to review the changes to the city's website. Mr. Shadrock displayed the new website pages.

B. BEAUTIFICATION TASK FORCE UPDATE.

City Manager Thatcher called on Mr. Danny Zincke, Assistant City Manager to provide information on the new Beautification Task Force, made up of 10 different city departments. This is a way not only to engage city staff but to also utilize and engage community partners. He reviewed the objective of the program.

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

Mayor Pro Tem Wolosin congratulated those who won the election and those who didn't win. It takes a lot of effort. He expressed appreciation to Mayor Handren for his service to the community. The city accomplished a lot with his

leadership. Mayor Pro Tem Wolosin stated that he learned a lot from Mayor Handren.

Council Member Boddie stated that Mayor Handren's leadership has been special. He expressed appreciation to Ms. Handren for her support. People don't realize we are neighbors, just not council members and it gets nasty sometimes.

Council Member Scott stated he was appreciative of the service Mayor Handren provided. His leadership will be missed.

Council Member Macaluso stated that he ran against Mayor Handren in the District 5 Council Member race in 2018 and lost. When it was time for him to take the Mayor's seat, Mayor Handren urged Council Member Macaluso to run again. Boerne is growing and causing change. With Mayor Handren's leadership, the city was successful in tackling difficult matters.

Mayor Handren stated that this was his last council meeting. He thanked city staff for the professionalism and is humbled by their attitude of service. He stated he led the community during Covid and the change of city manager. He has learned a lot from staff. As a new member of city council, there is a lot to learn. Mayor Handren expressed appreciation to the city council members. He said we have been through a lot and it's not an easy job. It's complicated, not trivial. It takes time. He stated that he spends 20 to 40 hours a week devoted to city responsibilities. Council is always thoughtful, insightful, respectful, and discussions are always without contempt because we care about the city of Boerne despite social media negativity. He expressed appreciation to City Manager Thatcher for all that has been accomplished. He thanked Ms. Handren for the 30 years they have been together. Mayor stated that his success is because of her.

City Manager Thatcher stated that on behalf of city staff, we appreciate the partnership you brought to city council as the role of Mayor. Your support and appreciation for all things strategic has allowed us to expedite the things that make Boerne even better. The respect of the City Manager Form of Government is greatly appreciated. City Manager Thatcher expressed

appreciation to Ms. Handren for her support. City Manager Thatcher presented Mayor Handren with a "Key to the City" and Ms. Handren with a bouquet of flowers.

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

Mayor Handren convened the City Council into Executive Session at 7:27 p.m.

- A. SECTION 551.072 - TO DELIBERATE THE PURCHASE OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Utility easement at the north end of Ranch Drive)

No action was taken.

11. 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 7:33 p.m.

- A. CONSIDER RESOLUTION NO. 2023-R39; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE ____ ACRES, MORE OR LESS, LOCATED AT _____, BOERNE, TEXAS, 78006, FROM _____; AND EXECUTE ALL NECESSARY DOCUMENTATION. (Utility easement at the north end of Ranch Drive)

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R39; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A UTILITY EASEMENT OF 0.460 ACRES, MORE OR LESS, LOCATED AT 164 RANCH DRIVE, BOERNE, TEXAS, 78006, FROM BRET AND SHAWN BEACH; AND EXECUTE ALL NECESSARY DOCUMENTATION. (UTILITY EASEMENT AT THE NORTH END OF RANCH DRIVE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

12. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 7:34 p.m.

Approved:

Mayor

Attest:

City Secretary