

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
March 26, 2019 – 6:00 PM

Minutes of the Regular Called City Council Meeting of March 26, 2019 at 6:00 p.m.

Present: 5 - Mayor Michael Schultz, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Ron Cisneros, and Council Member Tim Handren.

Vacant: Council Member District 3

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Dan Blankenship, Pam Bransford, Lori Carroll, Nick Colonna, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Mike Raute, Angie Rios, Molly Solis, Laura Talley, Jeff Thompson, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: J J Blackson, Peggy Brimhall, Quinten Scott, Marius Anton, Taylor Knopf, and Rick Pfeiffer

1. CALL TO ORDER – 6:00 PM

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

Mayor Schultz asked for a Moment of Silence and 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:

J J Blackson, 220 Shadywood spoke in opposition to the proposed rezoning of

1025 East Blanco Road. She asked that the City Council think about the neighborhood when making the decision.

4. CONSENT AGENDA:

4.A. [2019-258](#) CONSIDER MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 12, 2019.

THE MINUTES WERE APPROVED.

4.B. [2019-253](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-08; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007 BY AMENDING ARTICLE 3, SECTION 13, PERMANENT ZONING OF 11.219 ACRES LOCATED AT 35 CASCADE CAVERNS ROAD (KAD NO. 12245) AND 45 CASCADE CAVERNS ROAD (KAD NO. 24328) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Currey Creek Baptist Church of Boerne)

THE ORDINANCE WAS APPROVED.

4.C. [2019-254](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-09; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007 BY AMENDING ARTICLE 3, SECTION 13, PERMANENT ZONING OF 9.865 ACRES LOCATED AT 38 CASCADE CAVERNS ROAD (KAD NO. 46739) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Hill Country Daily Bread Ministries)

THE ORDINANCE WAS APPROVED.

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

YEAH: 4 - COUNCIL MEMBER WOLOSIN, MAYOR PRO TEM WOOLARD, COUNCIL MEMBER CISNEROS, AND COUNCIL MEMBER HANDREN.

5. PUBLIC HEARING – To Hear Comments On The Following:

5.A. [2019-259](#) PROPOSED ANNEXATION OF 8.352 ACRES OF LAND LOCATED AT 15A UPPER BALCONES ROAD, KAD NOS. 15841 AND 290201, TO INCLUDE A PORTION OF UPPER BALCONES ROAD AT THE REQUEST OF MORNINGSIDE MINISTRIES. (Second of two hearings)

Mayor Schultz opened the Public Hearing at 6:04 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:05 p.m.

6. [2019-266](#) RECEIVE THE COMPREHENSIVE ANNUAL FINANCE REPORT (CAFR) FROM ABIP, PC FOR FISCAL YEAR 2017-2018.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick introduced Jeremy Barbatto, Audit Manager from abip, PC. Mr. Barbatto presented the results from the Comprehensive Annual Financial Report audit. He stated that the City of Boerne has received the Government Finance Officers Association Certificate of Achievement Award for Excellence in Financial Reporting for 31 consecutive years. He reviewed the independent auditors report which states auditors responsibilities and requirements; the financial highlights; the compliance section; and the Letter of Conduct of Audit. He expressed appreciation to City Staff. Discussion ensued regarding the length of time that abip have been auditors of the City. Mayor Schultz also expressed his appreciation to Staff.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE AND ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AS PRESENTED FOR YEAR 2017-2018. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Cisneros, and Council Member Handren

7. [2019-261](#) PRESENTATION BY CARISSA COX OF MOSAIC PLANNING AND DEVELOPMENT SERVICES ON UNIFIED DEVELOPMENT CODE PROJECT OVERVIEW AND PROCESS.

Mayor Schultz called on Nick Colonna, Assistant Planning and Development Director. He introduced Carissa Cox who is the City's consultant with Mosaic on the Unified Development Code Project. Ms. Cox provided an update on the status of the project. She discussed the objectives, timelines, and review process. She stated that the City Council will be updated monthly in an effort to adopt Phase One of the project in October. It is anticipated that Phase Two will be adopted in March 2020. Discussion ensued regarding whether there will be Town Hall meetings for the public. Mr. Colonna replied that there will be Town Hall meetings in addition to public meetings during Planning and Zoning Commission meetings as well as City Council meetings.

8. [2019-256](#) CONSIDER THE UNTABLING OF ORDINANCE NO. 2019-10; AS DESCRIBED BELOW. (Tabled on 3/12/2019)

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE THE UNTABLING OF ORDINANCE NO. 2019-10; AS DESCRIBED BELOW. (TABLED ON 3/12/2019). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Cisneros, and Council Member Handren

9. [2019-255](#) CONSIDER ON FIRST READING ORDINANCE NO. 2019-10; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 2.992 ACRES

LOCATED AT 1025 E. BLANCO ROAD (KAD NO. 18967) FROM O, OFFICE DISTRICT AND R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Tommy and Julie Pfeiffer)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 1025 E. Blanco Road. She stated that the property owner is requesting rezoning to R-3, High-Density Residential District for the entire property. The current zoning of O, Office District and R-1, Medium-Density Single-Family Residential District could potentially be developed with five 2-story office buildings and eight 2-story detached homes. The requested R-3 zone could potentially allow 48 2-story townhomes. Drainage and detention for the site will be considered during the platting process. In review of the potential traffic, the numbers on the overall traffic pattern for the area won't be excessive or potentially impactful for the area. At this time, City Council should consider the rezoning request based on whether it conforms to the comprehensive Master Plan and the surrounding area or the community. The plans for the site have been proposed, but it is not platted, nor can it be platted for this use or density unless the rezoning occurs. Ms. Talley stated that the Planning and Zoning Commission voted 6-1 in support of the rezoning and Staff also supports the rezoning. Discussion ensued regarding applying a Public Utility District (PUD) to the site. The potential developer was in the audience and the Council Member addressed their concerns to him. He stated that he was a 30 plus year resident of Kendall County and noted that he was not familiar with PUDs, so he would have to gain information before moving forward.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER WOLOSIN, TO TABLE ON FIRST READING ORDINANCE NO. 2019-10; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 2.992 ACRES LOCATED AT 1025 E. BLANCO ROAD (KAD NO. 18967) FROM O, OFFICE DISTRICT AND R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE UNTIL WHICH TIME MORE INFORMATION CAN BE PROVIDED BY THE DEVELOPER. (TOMMY AND JULIE PFEIFFER). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Wolosin, Mayor Pro Tem Woolard, and Council Member Handren

Nay: 1 - Council Member Cisneros

10. [2019-264](#) RECEIVE AND CONSIDER A REQUEST FROM PERFORMANCE OFF ROAD FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 11. PROHIBITED SIGNS. E. CHANGEABLE COPY SIGN; FLASHING SIGN; G. MOVING SIGN; H. LED SIGN. (Michael Hawes, 30980 IH 10 W)

Ms. Talley continued with a sign variance request. Ms. Talley stated that the owner of Performance Off Road recently installed a LED sign without a permit. She displayed a map of the property location as well as photos of the sign. The Code Enforcement Officer spoke with the owner and explained that the sign was not permitted and he either needed to remove the sign or apply for a variance. He chose to apply for a variance. The Sign Variance Review Committee unanimously voted to deny the request because there is no hardship, and because the sign is bright and combined with the motion and flashing is distracting to motorists and could potentially be a safety issue.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO DENY A REQUEST FROM PERFORMANCE OFF ROAD FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 11. PROHIBITED SIGNS. E. CHANGEABLE COPY SIGN; FLASHING SIGN; G. MOVING SIGN; H. LED SIGN. (MICHAEL HAWES, 30980 IH 10 W). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Cisneros, and Council Member Handren

11. [2019-262](#) **CONSIDER RESOLUTION NO. 2019-R23; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR WATER, WASTEWATER AND RECLAIMED WATER IMPACT FEE UPDATE. (Update of the land use assumptions and Capital Improvements Plan for water, wastewater, and reclaimed water impact fees)**

Mayor Schultz called on Mr. Mike Mann, Utilities Director. Mr. Mann explained that for several years, the City has assessed and collected impact fees from new development for new water and wastewater services in order to recover costs of major infrastructure improvements rather than from existing ratepayers. Impact Fee programs are regulated by State Law and State Law requires that the plan be updated at least every five years. The City's last update was in 2014. Consultants are needed to perform the update due to the amount of engineering and financial work that is required in the documentation. It is Staff's recommendation that the City enter into a professional services agreement with HDR Engineering in an amount not to exceed \$41,200.00.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2019-R23; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR WATER, WASTEWATER AND RECLAIMED WATER IMPACT FEE UPDATE, NOT TO EXCEED \$41,200.00. (UPDATE OF THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN FOR WATER, WASTEWATER, AND RECLAIMED WATER IMPACT FEES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Cisneros, and Council Member Handren

12. [2019-263](#) **RECEIVE BIDS AND AWARD CONTRACT FOR SELF CONTAINED BREATHING APPARATUS EQUIPMENT FOR THE FIRE DEPARTMENT AND CONSIDER RESOLUTION NO. 2019-R24; A RESOLUTION OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE PURCHASE OF**

SELF CONTAINED BREATHING APPARATUS EQUIPMENT FOR THE FIRE DEPARTMENT.

Mayor Schultz called on Fire Chief Doug Meckel to discuss the need for replacement breathing apparatus equipment for the Fire Department. He stated that purchase is budgeted in the amount of \$325,000.00. Chief Meckel displayed a photo of the breathing apparatus. He discussed technology improvement in the apparatus in the last 12 to 15 years. He stated that three bids were received and the lowest bid was from HEAT Safety Equipment. Staff recommended approving the purchase through HEAT Safety Equipment in the amount of \$217,118.64.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER HANDREN, TO RECEIVE BIDS AND AWARD CONTRACT TO HEAT SAFETY EQUIPMENT FOR SELF CONTAINED BREATHING APPARATUS EQUIPMENT FOR THE FIRE DEPARTMENT AND CONSIDER RESOLUTION NO. 2019-R24; A RESOLUTION OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS EQUIPMENT FOR THE FIRE DEPARTMENT, IN THE AMOUNT NOT TO EXCEED \$217,118.64. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Cisneros, and Council Member Handren

13. [2019-257](#) LEGISLATIVE UPDATE ON 86TH LEGISLATIVE SESSION AND CONSIDER DIRECTION RELATED TO BILLS PRESENTED.

Mayor Schultz called on Ms. Molly Solis, City Attorney. Ms. Solis presented an update on the status of the current Legislative Session and key bills affecting cities. She asked City Council for direction in responding to the bills she presented. It was the consensus of the City Council for Ms. Solis to proceed with her recommendations in contacting Senator Donna Campbell and Representative Kyle Biedermann with response toward the bills.

14. COMMENTS FROM COUNCIL/ STAFF – No discussion or action may take place.

Mike Mann, Utilities Director updated the City Council on the power outage that happened in Boerne last week. He stated approximately 500 properties

were effected. A tall truck coming out of the new Jaguar Dealership hit a wire tripping a breaker at the substation. The electricity was down for a short period of time.

Sandy Mattick, Finance Director provided an update on the sale of the refunding bonds. She stated that bids were received this morning. It was initially projected that the City could potentially receive a savings of \$103,000, but actually the City will receive \$119,000 savings with Broadway Bank.

Jeff Thompson, Deputy City Manager provided an update on the sidewalk widening on Blanco Road. There is a portion of the sidewalk that is near a tree and staff is working to avoid damaging the tree. The City was waiting on TxDOT to approve the design. Mr. Thompson also provided an update on the River Road crosswalk. TxDOT anticipates beginning the project mid-May and should be completed mid-July.

Mike Mann, Public Works Director updated the City Council on the Bentwood Drive Sidewalk. The culvert extension should be completed in five or six weeks.

Council Member Wolosin stated that a truck behind his business on Main Street hit a tree. He notified the City and staff responded quickly. He expressed appreciation for the prompt response.

Mayor Schultz read aloud a letter from a new resident who complimented Erica Yount, an employee at the Convention and Visitors Bureau. Mayor Schultz also announced that he received a resignation letter from Council Member Cisneros who will be moving out of his district. He stated that tonight was Council Member Cisneros last City Council meeting.

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

Mayor Schultz convened the City Council into Executive Session at 7:56 p.m.

15.A.[2019-177](#) SECTION 551.086 - MUNICIPALLY OWNED UTILITY: COMPETITIVE MATTER, DISCUSSION ON WHOLESALE POWER AGREEMENT AND

CONSIDER RESOLUTION NO. 2019-R25; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A WHOLESALE ENERGY SUPPLY AGREEMENT AND ANY ASSOCIATED AND NECESSARY DOCUMENTS.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY MAYOR PRO TEM WOOLARD TO APPROVE RESOLUTION NO. 2019-R25; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A WHOLESALE ENERGY SUPPLY AGREEMENT AND ANY ASSOCIATED AND NECESSARY DOCUMENTS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 4 - COUNCIL MEMBER WOLOSIN, MAYOR PRO TEM WOOLARD, COUNCIL MEMBER CISNEROS, AND COUNCIL MEMBER HANDREN.

15.B.[2019-178](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION. (WCID No. 3)

No action was taken.

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

Mayor Schultz reconvened the City Council into Open Session at 8:35 p.m.

No action was taken.

17. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: CITY COUNCIL MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED ABOVE INCLUDING IF THEY MEET THE QUALIFICATIONS IN SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION REGARDING REAL PROPERTY), 551.073 (DELIBERATION REGARDING GIFTS), 551.074 (PERSONNEL/OFFICERS), 551.076 (DELIBERATION REGARDING SECURITY DEVICES), AND SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS) OF CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. (If needed)

The City Council did not convene into Executive Session.

18. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 8:36 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Cisneros, and Council Member Handren

Approved:

Mayor

Attest:

City Secretary