

Minutes of the City Council meeting of September 24, 2019 at 6:00 p.m.

Absent: **1 -** Mayor Tim Handren

Recognized/Registered Guests: Rufus Stevens, Donna Taylor, Mike Luckey, Carolyn Chipman Evans, Sherri and Rodney Yates, Pam and Dave Luciani.

Mayor Pro Tem Woolard called the City Council to order at 6:00 p.m.

No conflicts were declared.

Rufus Stevens, 205 Bess Street stated he is a Trustee for the Cibolo Preserve. Mr. Stevens spoke on the recommendations from the Planning and Zoning Commission regarding the properties under consideration for permanent zoning along Herff Road. He expressed concerns with the impact on the Cibolo Preserve if these properties were zoned commercial.

Donna Taylor stated that she also represents the Cibolo Preserve and expressed the importance of protecting water quality.

Mike Luckey, 110 Walter Road expressed appreciation to the City Council for voting down the tax increase at the last City Council meeting.

Carolyn Chipman Evans of the Cibolo Preserve stated they have been working on protecting the water shed and expressed concerns with the potential commercial zoning of the properties along Herff Road. She also expressed appreciation that the Cibolo Wilderness, Inc. to receive public purpose funds through a delegate agency for the first time.

4. CONSENT AGENDA:

4.A. [2019-912](#) CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 10, 2019 AND THE SPECIAL CALLED CITY COUNCIL MEETING OF SEPTEMBER 16, 2019 (UDC PUBLIC MEETING).

THE MINUTES WERE APPROVED.

4.B. [2019-917](#) CONSIDER RESOLUTION NO. 2019-R140; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS.

THE RESOLUTION WAS APPROVED.

4.C. [2019-918](#) CONSIDER RESOLUTION NO. 2019-R141; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND RAINBOW SENIOR CENTER. (Kronkosky Place)

THE RESOLUTION WAS APPROVED.

4.D. [2019-916](#) CONSIDER RESOLUTION NO. 2019-R142; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC

PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.

THE RESOLUTION WAS APPROVED.

- 4.E. [2019-919](#) CONSIDER RESOLUTION NO. 2019-R143; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HILL COUNTRY FAMILY SERVICES.**

THE RESOLUTION WAS APPROVED.

- 4.F. [2019-936](#) CONSIDER RESOLUTION NO. 2019-R144; A RESOLUTION APPROVING THE TAX LEVY ROLL FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2019.**

THE RESOLUTION WAS APPROVED.

- 4.G. [2019-921](#) CONSIDER RESOLUTION NO. 2019-R145; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND THE FRIENDS OF THE CIBOLO WILDERNESS, INC.**

THE RESOLUTION WAS APPROVED.

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

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

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

- 5.A. [2019-924](#) PROPOSED ANNEXATION OF 10.484 ACRES LOCATED AT 30-32 FM 1376, AT THE REQUEST OF SHERRI AND RODNEY YATES. (Second of two hearings)**

Mayor Pro Tem Woolard opened the Public Hearing at 6:11 p.m.

No comments were received.

Mayor Pro Tem Woolard closed the Public Hearing at 6:11 p.m.

6. [2019-925](#) BRIEFING ON DEMOLITION OF HISTORIC STRUCTURES.

Mayor Pro Tem Woolard called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley provided a timeline for the adoption of the ordinance regarding demolition of historic structures. She stated that it will go before the Historic Landmark Commission on October 1, 2019, the Planning and Zoning Commission on October 7, 2019, and on October 22, 2019, the City Council will set the Public Hearing and first reading of the ordinance for November 26, 2019, and the second reading of the ordinance will be on December 10, 2019. City Manager Ron Bowman distributed to the Council Members, a list of the demolition permits issued in the last five years for the City of Boerne. Discussion ensued regarding expediting the process.

7. [2019-913](#) ANNUAL UPDATE PRESENTATION ON PATRICK HEATH PUBLIC LIBRARY ACTIVITIES.

Mayor Pro Tem Woolard called on Ms. Kelly Skovbjerg, Library Director. Ms. Skovbjerg provided an overview of activities from last year at the Patrick Heath Public Library and what is to come for fiscal year 2020. She provided information on statistics, events and programs. She displayed photos of the renovation and expansion of the HUB, a young adult space on the second floor, which was funded by the Boerne Public Library Foundation. Ms. Skovbjerg stated that the Friends Book Shop served over 7,000 customers, with total sales of \$34,526 which provides funding for various services for the library. The library also received a \$10,000 grant for a digital media lab. Ms. Skovbjerg also provided an update on the Strategic Plan and announced that the annual Boerne Books and Arts Fest will be October 5, 2019. Staff is currently working on a facilities master plan, upgrade of the self check machines, and upgrade of the HVAC system for efficiencies. Ms. Skovbjerg explained the process for Live at the Library. She stated that a consultant has been hired to find entertainment but occasionally they are approached by someone interested in

performing, which they will refer to the consultant. The City Council expressed their appreciation to Ms. Skovbjerg for what she and her staff has accomplished at the library.

8. [2019-922](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-39; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS APPROVING THE FIRST AMENDED REGIONAL UTILITY FRANCHISE AGREEMENT BETWEEN THE CITY AND KENDALL WEST UTILITY, LLC; ESTABLISHING A FRANCHISE FEE IN CONSIDERATION FOR THE RIGHTS AND PRIVILEGES GRANTED TO KENDALL WEST UTILITY, LLC IN PROVIDING AMENDMENT TO MECHANISM: PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Woolard called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson explained that in 2015, the City entered into an agreement with Kendall West Utilities (KWU) for the provision of water and sewer service outside the City limits. The agreement also prevented Boerne and KWU from encroaching on each other. In 2016, the agreement was amended where KWU could serve in the City's designated service area and vice versa with approval from the other utility. KWU would serve areas where costs were prohibitive for the City. Mr. Thompson stated that the amended agreement under consideration, includes the obligation necessary for collection of franchise fees. KWU's service in the City limits is similar to Bandera and Pedernales Electric Cooperatives service and should be subject to a 4% City of Boerne Franchise Fee. Discussion ensued regarding how the Master Plan would be involved, if Staff has analyzed areas of future growth, areas where a Certificate of Convenience and Necessity (CCN) exists, and the possibility that the agreement can be re-negotiated if necessary in the future.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-39; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS APPROVING THE FIRST AMENDED REGIONAL UTILITY FRANCHISE AGREEMENT BETWEEN THE CITY AND KENDALL WEST UTILITY, LLC; ESTABLISHING A FRANCHISE FEE IN CONSIDERATION FOR THE RIGHTS AND PRIVILEGES GRANTED TO KENDALL WEST UTILITY, LLC IN PROVIDING AMENDMENT TO MECHANISM: PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

9. [2019-920](#) CONSIDER ON FIRST READING ORDINANCE NO. 2019-40: AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, DATED NOVEMBER 13, 2007, ARTICLE 6. DRAINAGE AND FLOOD HAZARDS, SECTION 04. DRAINAGE SYSTEM DESIGN STANDARDS. (Atlas 14 Study)

Mayor Pro Tem Woolard called on Mr. Mike Mann, Utilities Director. Mr. Mann stated that the National Oceanic and Atmospheric Administration (NOAA) periodically updates their publication assessing rainfall events for the United States. In the last study (Atlas 14) for the Central Texas area, data suggests a significant larger rainfall intensity. Mr. Mann provided the history of the Boerne City Lake, explained retention and detention. He stated that the City's Subdivision Ordinance needs to be modified to include higher intensity values to be used in design of drainage facilities for less frequent storms. Discussion ensued regarding making the changes in the ordinance to include Atlas 14 at this time, but the Subdivision Ordinance could be amended at a later date to include any recommendations from the consultant regarding stormwater. Discussion also ensued regarding what the ordinance changes would mean for a developer.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-40: AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, DATED NOVEMBER 13, 2007, ARTICLE 6. DRAINAGE AND FLOOD HAZARDS, SECTION 04. DRAINAGE SYSTEM DESIGN STANDARDS. (ATLAS 14 STUDY). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

10. [2019-914](#) **CONSIDER RESOLUTION NO. 2019-R146; A RESOLUTION TO ABANDON A PERMANENT UTILITY EASEMENT DESCRIBED AS 0.0552 OF AN ACRE LOCATED WITHIN LOT 1, MENDER SPRINGS, UNIT 1 RECORDED IN VOLUME 1019 PAGES 154 - 158 OF THE DEED AND PLAT RECORDS OF KENDALL COUNTY, TEXAS. (Methodist Healthcare System of San Antonio LTD)**

Mr. Mann continued with a request for a utility easement abandonment from the Methodist Healthcare System of San Antonio. He displayed a map of the property location and the location of the current easement. Mr. Mann explained that as part of the new construction of an Ambulatory Surgery Center on the site, Methodist designed and paid for the relocation of the electric distribution line and provided a replacement easement for the relocation line. It is Staff's recommendation that the City Council authorize the abandonment of the previously existing easement.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2019-R146; A RESOLUTION TO ABANDON A PERMANENT UTILITY EASEMENT DESCRIBED AS 0.0552 OF AN ACRE LOCATED WITHIN LOT 1, MENDER SPRINGS, UNIT 1 RECORDED IN VOLUME 1019 PAGES 154 - 158 OF THE DEED AND PLAT RECORDS OF KENDALL COUNTY, TEXAS. (METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO LTD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

11. [2019-926](#) **CONSIDER RESOLUTION NO. 2019-R147; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND MOSAIC PLANNING AND DEVELOPMENT SERVICES FOR EXTENDING THE TIMELINE OF THE UNIFIED DEVELOPMENT CODE PHASE I TO INCLUDE OVERLAY DISTRICTS AND APPROVAL OF PHASE 2.**

Mayor Pro Tem Woolard called on Ms. Laura Talley, Planning and Community Development Director to discuss the proposed amendment to the agreement between the City of Boerne and Mosaic Planning and Development Services. Ms. Talley explained that originally \$100,000 was budgeted for the creation of the Unified Development Code (UDC). In February, after discussion with the City Council, it was determined that the update should include additional items which were not part of the initial project causing the project to be extended to March 2020 for Phase 1 and July 2020 for Phase 2. It is Staff's recommendation to approve the amended agreement with Mosaic Planning and Development Services for an additional cost not to exceed \$171,900.00. Discussion ensued regarding the fund where the money will be coming from for this project.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2019-R147; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND MOSAIC PLANNING AND DEVELOPMENT SERVICES FOR EXTENDING THE TIMELINE OF THE UNIFIED DEVELOPMENT CODE PHASE I TO INCLUDE OVERLAY DISTRICTS AND APPROVAL OF PHASE 2, FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$171,900. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

12. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR OCTOBER 22, 2019:

12.A.[2019-927](#) PROPOSED REZONING OF 0.5 ACRE AT 32840 INTERSTATE 10 WEST (KAD NO. 26884) FROM I, INDUSTRIAL DISTRICT, TO B-2, HIGHWAY COMMERCIAL DISTRICT. (Kenneth W. Seamans)

12.B.[2019-928](#) PROPOSED PERMANENT ZONING OF 0.545 ACRE AT 19 OLD SAN ANTONIO ROAD (KAD NO. 15817) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL. (Arvelene Ann Amari)

12.C.[2019-929](#) PROPOSED PERMANENT ZONING OF 1.899 ACRES AT 21 OLD SAN ANTONIO ROAD (KAD NO. 15816) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL. (Jacob Obadia)

12.D.[2019-930](#) PROPOSED PERMANENT ZONING OF 4.492 ACRES AT 23 OLD SAN ANTONIO ROAD (KAD NOS. 15828 AND 15829) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL. (J Willis Harpole)

12.E.[2019-931](#) PROPOSED PERMANENT ZONING OF 2.372 ACRES AT 34 HERFF ROAD (KAD NO. 15868 AND 34998) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL. (J Willis Harpole)

12.F.[2019-932](#) PROPOSED PERMANENT ZONING OF 4.37 ACRES AT 36 HERFF ROAD (KAD NO. 15865) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL. (J Willis Harpole)

12.G.[2019-933](#) PROPOSED PERMANENT ZONING OF 6.01 ACRES AT 39 HERFF ROAD (KAD NOS. 63556 AND 63557) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY

RESIDENTIAL-AGRICULTURAL. (Barbara K. Fellows)

12.H. [2019-934](#) PROPOSED PERMANENT ZONING OF 5.079 ACRES AT 31001 INTERSTATE 10 W (KAD NO. 12292) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT. (VBM Boerne Land LLC)

12.I. [2019-935](#) PROPOSED USE OF AN AUTOMOBILE SERVICE WITH OUTSIDE STORAGE IN AN I, INDUSTRIAL DISTRICT FOR 5.079 ACRES LOCATED AT 31001 INTERSTATE 10 WEST, (KAD NO. 12292). (VBM Boerne Land LLC, Vic Vaughan, Toyota)

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER FOWLER, TO RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AS PRESENTED AND SET THE PUBLIC HEARINGS FOR OCTOBER 22, 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

13. [2019-943](#) CITY MANAGER'S REPORT DISCUSSION:

A. UPDATE ON PROJECTS DASHBOARD

B. SALES TAX COLLECTION

C. BOERNE CHAMBER OF COMMERCE - LEADERSHIP BOERNE PROGRAM

D. TxDOT PUBLIC HEARING, OCTOBER 2, 2019, I 10 FROM SH 46 TO FM 3351 (RALPH FAIR ROAD)

E. TAPATIO SPRINGS CLUB GRAND RE-OPENING, OCTOBER, 16, 2019

Mayor Pro Tem Woolard called on City Manager Ron Bowman. Mr. Bowman referred to the updated draft of the Dashboard which is a work in progress. He reviewed the Sales Tax for the City stating that for the last four months revenues have exceeded \$700,000 which is up 7% from this time last year. He stated that he spoke at the Leadership Boerne class which is hosted by the Boerne Chamber of Commerce. Mr. Bowman reminded the City Council of the TxDOT public meeting which will be held October 2, 2019. TxDOT will be discussing I-10 from SH 46 to FM 3351 at Boerne Middle School South. He also stated that Tapatio Springs Clubhouse grand re-opening will be held October

16, 2019. Tapatio adds additional tourism to our community. A Stormwater Committee meeting will be held on September 26, 2019. A joint workshop for City Council and Planning and Zoning Commission will be held October 8, 2019 to discuss stormwater and LED. He hopes to have a draft contract with the Boerne Kendall County Economic Development Corporation for the City Council to review soon. Staff is working with TxDOT regarding improving signage with exit 542 being closed. He discussed workforce housing. The City has 253 full time employees and only 90 live within the City limits. Workforce housing is something Staff continues to work on.

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

Deputy City Manager Jeff Thompson announced there will be an Alamo Area Metropolitan Planning Organization meeting tomorrow evening at Kronkosky Place at 6:00 p.m.

City Manager Ron Bowman recognized Mr. Mick McKamie, Interim City Attorney for receiving the Charles S. Rhyne Lifetime Achievement Award. Mr. McKamie is only the second person from Texas to receive the award.

Assistant Police Chief Jeff Page reminded the City Council that on October 1, 2019 is National Night Out. There are currently 21 neighborhoods registered. He distributed a map and list of the neighborhoods for the Council's information.

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

Mayor Pro Tem Woolard convened the City Council into Executive Session at 8:00 p.m.

15.A.[2019-923](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (WCID NO. 3 Update)

No action was taken.

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

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)

City Council did not convene into Executive Session.

18. ADJOURNMENT

Mayor Pro Tem Woolard adjourned the City Council meeting at 8:43 p.m.

Approved:

Mayor

Attest:

City Secretary