

MINUTES
CITY COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 8, 2019 - 5:00 p.m.

Minutes of the City Council Workshop of October 8, 2019 at 5:00 p.m.

Staff Present: Ron Bowman, Siria Arreola, Heather Bradford, Pam Bransford, Lori Carroll, Jim Kohler, Sandy Mattick, Doug Meckel, Nick Montagno, Jeff Page, Mike Raute, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Paul Giguere, Crystal Henry, Kim Blohm, Robert Imler, Ben Eldredge, and Amy Story.

1. CALL TO ORDER – 5:00 PM

Mayor Handren called the City Council to order at 5:09 p.m.

Present: 5 - Mayor Tim Handren, Council Member Ty Wolosin, Council Member Quinten Scott, Council Member Brian Fowler, and Council Member Joseph Macaluso

Absent: 1 - Mayor Pro Tem Nina Woolard

2. PUBLIC COMMENTS:

No comments were received.

3. [2019-965](#) DISCUSSION ON CITY OF BOERNE PARKS, RECREATION, AND OPEN SPACE MASTER PLAN.

Mayor Handren called on Mr. Danny Zincke, Community Services Director. Mr. Danny Zincke provided information on the Parks Master Plan. He discussed the importance of the plan and spoke on the priority projects as determined by the community during the process of updating the plan in 2017. Discussion ensued regarding participation from the community when the survey was conducted, the percentage of city residents versus county residents. Mr. Zincke displayed

conceptual drawings of the site plan for the potential pool location as well as and other various projects listed in the plan. Mr. Zincke also provided a chart indicating the estimated cost for implementing the various projects. City Manager Ron Bowman asked the City Council for input on the next step which could include a \$15 million bond issue during the May election. It is hopeful that \$15 million would cover the costs of all the projects identified in the plan. Ms. Sandy Mattick, Finance Director explained how the proposition would be presented to the citizens on the ballot. Discussion ensued regarding prioritizing projects where the City has a partner to help with the costs. Mr. Zincke mentioned that Texas Parks and Wildlife is more likely to participate in funding because the City has a Master Plan with projects identified. Mayor Handren stated that the City Council will have an opportunity for more discussion on the subject at a later date.

4. [2019-961](#) DISCUSSION ON CITY OF BOERNE BRANDING.

Due to time restraints, no discussion took place.

5. ADJOURNMENT

Mayor Handren adjourned the City Council Workshop at 5:52 p.m.

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 8, 2019 – 6:00 PM**

Minutes of the Regular Called City Council meeting of October 8, 2019 at 6:00 p.m.

Present: 5 - Mayor Tim Handren, Council Member Ty Wolosin, Council Member Quinten Scott, Council Member Brian Fowler, and Council Member Joseph Macaluso

Absent: 1 - Mayor Pro Tem Nina Woolard

Staff Present: Ron Bowman, Siria Arreola, Heather Bradford, Pam Bransford, Lori Carroll, Jim Kohler, Sandy Mattick, Doug Meckel, Nick Montagno, Jeff Page, Mike Raute, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Paul Giguere, Crystal Henry, Kim Blohm, Robert Imler, Ben Eldredge, Amy Story, Rodney Yates, Rodda Yates, Pam and Dave Luciani, Mike Luckey.

1. CALL TO ORDER – 6:00 PM

Mayor Handren called the City Council meeting to order at 6:02 p.m.

Mayor Handren 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

Council Member Fowler stated that he will recuse himself from the discussion of Agenda Item 6.

3. PUBLIC COMMENTS:

Paul Giguere from the Boerne Family YMCA expressed his appreciation to the City Council Members for serving. He stated everyday he receives requests for improvements whether that be a gym or pool. He has met with the Kronkosky Foundation to help with funding. The YMCA is in the process of beginning a kickoff campaign for capital improvements. Mr. Giguere stated that the YMCA cares about Boerne and wants everyone to have access to their activities.

4. CONSENT AGENDA:**4.A. [2019-956](#) CONSIDER THE MINUTES OF THE SEPTEMBER 24, 2019 CITY COUNCIL MEETING**

THE MINUTES WERE APPROVED.

4.B. [2019-959](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

4.C. [2019-960](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

4.D. [2019-962](#) CONSIDER RESOLUTION NO. 2019-R148; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE LICENSE AND SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND TYLER TECHNOLOGIES. (Incode 10 additional software and training)

THE RESOLUTION WAS APPROVED.

4.E. [2019-958](#) CONSIDER RESOLUTION NO. 2019-R149; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE

AN AGREEMENT BETWEEN THE CITY OF BOERNE AND TDINDUSTRIES, INC. FOR REPAIRS TO THE CHILLER UNIT AT THE PATRICK HEATH PUBLIC LIBRARY.

THE RESOLUTION WAS APPROVED.

4.F. [2019-975](#) CONSIDER RESOLUTION NO. 2019-R150; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY REGULAR INVOICES AND BILLS FROM SPECIFIC PROVIDERS OF GOODS AND SERVICES, IN ACCORDANCE WITH THE APPROVED ANNUAL BUDGET, AND IN ACCORDANCE WITH SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER.

THE RESOLUTION WAS APPROVED.

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

Yeah: 4 - Council Member Wolosin, Council Member Scott, Council Member Fowler, and Council Member Macaluso

Absent: 1 - Mayor Pro Tem Woolard

5. [2019-957](#) RECOGNITION OF LISSETTE JIMENEZ FOR RECEIVING THE TEXAS AMATEUR ATHLETIC FEDERATION'S SUSAN GERRED YOUNG PROFESSIONAL OF THE YEAR AWARD AND REGIONAL DIRECTOR OF THE YEAR AWARD.

Mayor Handren called on Mr. Danny Zincke, Community Services Director. Mr. Zincke stated that at the last Texas Amateur Athletic Federation (TAAF) meeting in Galveston, the Boerne Parks and Recreation Department received the Gold Member City Award. Ms. Lissette Jimenez, Recreation Superintendent was awarded the Susan Gerred Young Professional of the year award by her peers. She was also recognized as the 2019 Regional Director of the Year and received a Presidential Excellence Award.

6. [2019-980](#) CONSIDER ON FIRST READING ORDINANCE NO. 2019-41; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF

BOERNE, TEXAS, BY ADDING CHAPTER 23. SHORT TERM RENTALS, PROVIDING FOR REGULATIONS FOR THE OPERATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR THE VIOLATION THEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Fowler, recused himself from the discussion and stepped away from the dais.

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated that Staff has been researching to determine the need for a Short Term Rental Ordinance. With the industry growing, Staff felt it necessary to establish an ordinance based on what other area cities are doing. An ordinance will help identify where the Short Term Rental properties are located and assist with collecting hotel tax. The ordinance requires the owner to apply for a two year permit. Discussion ensued regarding penalties and fees that will be associated with the permit. Also discussed was the required zoning for those areas where there may be multiple Short Term Rental facilities, and whether additional resources were needed for code enforcement. A suggestion was mentioned to require the owner to provide a standardized information sheet to include emergency numbers for public safety, pharmacies, etc.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-41; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY ADDING CHAPTER 23. SHORT TERM RENTALS, PROVIDING FOR REGULATIONS FOR THE OPERATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR THE VIOLATION THEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Wolosin, Council Member Scott, and Council Member Macaluso

Absent: 1 - Council Member Fowler

7. [2019-966](#) CONSIDER ON FIRST READING ORDINANCE NO. 2019-42; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND

EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN. (10.484 acres located at 30-32 FM 1376, at the request of Sherri and Rodney Yates)

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 30-32 FM 1376. The property owner has requested annexation into the City limits. She stated that the plan for the property is a residential development. The Future Land Use Plan indicates the property should be zoned B-2 Commercial. Because the location of this property borders residential and commercial, B-1 would be a more fitting zone. Discussion ensued regarding cost of road maintenance and analysis of the best type of development for this location. Ms. Talley also stated that the Stormwater/LID Ordinance should be in place by the time the annexation process is completed. Ms. Talley reminded the City Council that if the City does not annex the property, the development can still happen and the City could still regulate platting, but not regulate uses or design.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-42; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN. (10.484 ACRES LOCATED AT 30-32 FM 1376, AT THE REQUEST OF SHERRI AND RODNEY YATES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Wolosin, Council Member Scott, and Council Member Macaluso

Nay: 1 - Council Member Fowler

8. [2019-983](#) DISCUSSION ON PUBLIC UTILITY COMMISSION DOCKET #49887: NOTICE OF PROPOSED RATE CHANGE BY KENDALL WEST UTILITY.

Mayor Handren called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated in September, Staff received a letter from Kendall West Utility (KWU) notifying the City of their application to the Public Utility Commission (PUC) requesting a rate change for their water customers. This is a first for Boerne. The City received the notification because KWU has customers within the City limits. The owner of KWU John Mark Matkin, notified staff this afternoon that due to a large response from their rate payers, they are required to have a contested hearing with PUC. City Attorney Mick McKamie explained the law behind the process.

9. [2019-982](#) CITY MANAGER'S UPDATE:

- A. FY 18-19 RESIDENTIAL BUILDING PERMITS ISSUED IN BOERNE**
- B. UPDATE ON TxDOT SIDEWALK IMPROVEMENTS AT CVB**
- C. GRAND OPENING OF THE CLUB AT ESPERANZA**
- D. NEW BUSINESS OPENINGS**
- E. MEETINGS BOOKED IN BOERNE BY CVB**
- F. BOERNE BOOK AND ARTS FESTIVAL RECAP**
- G. UPDATE ON THE NEW CITY HALL PROJECT**
- H. UPDATE ON WEST SAN ANTONIO SIDEWALK PROJECT**
- I. UPDATE ON UNIFIED DEVELOPMENT CODE**

Mayor Handren called on Mr. Ron Bowman, City Manager. Mr. Bowman provided an update to various activities in the City. He stated that the residential building permits decreased 10% from last year. The TxDOT's contractor working in front of the Visitors Center should have the project completed by the end of October. The grand opening of the Club at Esperanza was held on October 2, 2019. There is a potential for an Esperanza

development for age 55 and older. Mr. Bowman provided a list of new businesses that have opened in the last few weeks. He also provided a list of meetings coming to Boerne. Mr. Bowman asked Larry Woods, Convention and Visitors Bureau Director to elaborate on the various meetings. The Boerne Book and Arts Festival was a success with approximately 1500 visitors attending. Ms. Linda Zartler, Assistant City Manager stated that the New City Hall should be ready for move-in mid-January. Mr. Bowman also reported that the West San Antonio Avenue Sidewalk Project should be completed in the next few weeks. Staff continues to work through the Unified Development Code. Discussion ensued regarding the good remarks received from the residents of San Antonio Avenue regarding the new sidewalk.

10. [2019-986](#) CONSIDER RESOLUTION NO. 2019-R151; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND JUDY LEFTWICH CALDER, HOWARD C. CALDER, EXECUTOR.

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley explained that the City of Boerne entered into a Development Agreement with Howard Calder in 2009. A portion of the development is known as SoBo. The initial agreement stated that no driveways could access Bandera Road. The developer is now asking that the agreement be amended to allow residential lots with driveways that will access Bandera Road. These lots will be similar to the lots across the street from the development. The developer is providing emergency access for fire and also providing a trail to the north side of the proposed apartment complex which would make a walkable connection to the SoBo development. It is Staff's recommendation that the agreement be amended as provided to include that the development adjacent to East Bandera will be limited to seven detached dwellings.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2019-R151; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND JUDY LEFTWICH CALDER, HOWARD C. CALDER, EXECUTOR TO INCLUDE LIMITING THE DETACHED RESIDENCES TO SEVEN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Council Member Scott, Council Member Fowler, and Council Member Macaluso

11. CONTINUATION OF WORKSHOP DISCUSSION, IF NECESSARY.

The City Council did not continue the Workshop discussion.

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

Laura Talley, Planning and Community Development Director stated Staff will "fast track" the Zoning Ordinance regarding Historic Demolition. It will go before the Planning and Zoning Commission on October 21, 2019. The City Council will receive the Planning and Zoning Commission recommendation on October 22, 2019 and set the Public Hearing for November 12, 2019. The City Council will vote to do a one-time reading on the Ordinance on November 12, 2019. Ms. Talley stated that the City has been recognized as one of the great places in Texas for the Hill Country Mile. American Planning Association will be at the October 22, 2019 City Council meeting to present the City with an award for the best Comprehensive Master Plan.

Mike Mann, Utilities Director mentioned that several months ago HDR Engineering was hired to update the water, wastewater, and reclaimed water impact fees. There will be presentation to the City Council in November.

Mayor Handren expressed appreciation to Ms. Laura Talley for recognition of the Master Plan.

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

Mayor Handren convened the City Council into Executive Session at 7:28 p.m.

13.A. [2019-963](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (WCID NO. 3 Update)

No action was taken.

13.B. [2019-964](#) SECTION 551.074 - PERSONNEL MATTERS: CITY ATTORNEY.

No action was taken.

14. 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 8:02 p.m.

No action was taken.

15. 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.

16. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 8:02 p.m.

Approved:

Mayor

Attest:

City Secretary