

MINUTES
CITY COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 22, 2019 – 5:00 p.m.

Minutes of the City Council Workshop of October 22, 2019 at 5:00 p.m.

Present: 5 - Mayor Tim Handren, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Quinten Scott, and Council Member Brian Fowler

Absent: 1 - Council Member Joseph Macaluso

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Pam Bransford, Lori Carroll, Ray Hacker, Jim Kohler, Mike Mann, Sandy Mattick, Mick McKamie, Doug Meckel, Nick Montagno, Jeff Page, Mike Raute, Jeanette Teague, Jeff Thompson, Larry Woods, Mary Woods, Linda Zartler, and Danny Zincke.

Registered/Recognized Guests: Kim Blohm and Amy Storey

1. CALL TO ORDER – 5:00 PM

Mayor Handren called the City Council to order at 5:00 p.m.

2. PUBLIC COMMENTS:

No comments were received.

3. [2019-102](#) DISCUSSION ON CITY OF BOERNE BRANDING.

3

Mayor Handren began the discussion of City of Boerne Branding, recognizing the need for a "unified face". He asked the Council Members to think about if they felt multiple brands were needed. Mayor Handren called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler displayed the various logos the City has had over the years. She also displayed the logos from various City departments. In May of this year, the City's website was updated. The colors on the website are consistent with the City's current logo. The logo is also

displayed at the top and bottom of each page of the website. Mr. Larry Woods, Boerne Convention and Visitors Bureau (CVB) discussed how the CVB logo was developed. Mayor Handren stated that the branding should be consistent in who the city is. Discussion ensued regarding branding identity and strategy. The brand needs to draw a person to find out about the town and where we have come from and where we are going. Mayor Handren stated that more discussion is needed and this should be added to the project list. He discussed possibly establishing a committee made up of community members.

4. ADJOURNMENT

Mayor Handren adjourned the City Council Workshop at 5:40 p.m.

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 22, 2019 – 6:00 PM

Minutes of the Regular Called City Council meeting of October 22, 2019 at 6:00 p.m.

Present: 5 - Mayor Tim Handren, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Quinten Scott, and Council Member Brian Fowler

Absent: 1 - Council Member Joseph Macaluso

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Pam Bransford, Lori Carroll, Ray Hacker, Jim Kohler, Mike Mann, Sandy Mattick, Mick McKamie, Doug Meckel, Nick Montagno, Jeff Page, Mike Raute, Angie Rios, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Mary Woods, Linda Zartler, and Danny Zincke.

Registered/Recognized Guests: Kim Blohm, Amy Storey, Mark Seamans, Ken Seamans, Monique Fischer, Garrett Fischer, Jacob Obadia, Rodney and Sherry Yates, Donna Taylor, Tom Kartrude, Pam and Dave Luciani, Bill Ballard, Ben

Eldredge, Crystal Henry, Jay Harpole, and Paula Hayward. Carissa Cox of Mosaic.

1. CALL TO ORDER – 6:00 PM

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

Mayor Handren asked Pastor Jason Brown of 1910 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

Council Member Fowler stated he has a conflict with agenda item 10 and will recuse himself from the discussion.

3. PUBLIC COMMENTS:

Tom Karturde 128 Lone Star, expressed his appreciation to the City Council and Planning and Zoning Commission for their service. He expressed concerns regarding the impact to the Menger Creek and Cibolo Creek if any development on Herff Road were to happen. He stated that he was glad that the Planning and Zoning Commission recommended that the properties under consideration for zoning on Herff Road be zoned as R-A, Single Family Residential Agricultural District.

Bill Ballard, Kendall County General Counsel read aloud a statement which was also provided to the City Council Members in written form regarding the possible impact the WCID #3 could have on Kendall County.

Mayor Handren stated that agenda items 5. and 6. would be moved before the Consent Agenda.

5. [2019-104](#) **RECOGNITION OF BOERNE BLAZE SPECIAL OLYMPICS SWIM TEAM**
[4](#) **ATHLETES.**

Mayor Handren introduced Ms. Sherry Cox, Coach of the Boerne Blaze Swimmers. Ms. Cox stated that these participants represented Boerne at the State meet at A&M. She introduced the coaches and the eight athletes and two unified partners and recognized each of their accomplishments.

6. [2019-104](#) **RECOGNITION OF HILL COUNTRY MILE FOR RECEIVING THE 2019**
[2](#) **MUNICIPAL EXCELLENCE AWARD FOR CITY SPIRIT.**

Mayor Handren called on Mr. Ron Bowman, City Manager. Mr. Bowman stated that the City was recently recognized at the Texas Municipal League (TML) Annual Confererence. He was please to announce that Boerne was recognized for the Hill Country Mile and received the 2019 City Spirit Award.

4. CONSENT AGENDA:

4.A. [2019-104](#) **CONSIDER THE MINUTES OF THE SPECIAL JOINT CITY COUNCIL**
[9](#) **AND PLANNING AND ZONING COMMISSION MEETING AND THE**
REGULAR CITY COUNCIL MEETING OF OCTOBER 8, 2019.

THE MINUTES WERE APPROVED.

4.B. [2019-102](#) **CONSIDER RESOLUTION NO. 2019-R151; A RESOLUTION**
[9](#) **AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE**
AN ANNUAL SERVICE PLAN AGREEMENT BETWEEN THE CITY OF
BOERNE AND STRYKER FOR PREVENTATIVE MAINTENANCE AND
INSPECTION OF AUTOMATIC ELECTRONIC DEFIBRILLATOR (AED)
AND LIFE PAK UNITS.

THE RESOLUTION WAS APPROVED.

4.C. [2019-102](#) **CONSIDER RESOLUTION NO. 2019-R152; A RESOLUTION**
[8](#) **AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE**
A CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF
BOERNE AND MIKE PIETSCH, P.E. CONSULTING SERVICES, INC.
FOR PHASE II AND PHASE III OF THE CITY OF BOERNE'S ISO
RATING.

THE RESOLUTION WAS APPROVED.

- 4.D. [2019-103](#) CONSIDER RESOLUTION NO. 2019-R153; A RESOLUTION
[0](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Light tower for Fire Department rescue
truck)

THE RESOLUTION WAS APPROVED.

- 4.E. [2019-103](#) CONSIDER RESOLUTION NO. 2019-R154; A RESOLUTION
[1](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Electric Distribution Materials for LIV at
Boerne Apartments)

THE RESOLUTION WAS APPROVED.

- 4.F. [2019-103](#) CONSIDER RESOLUTION NO. 2019-R155; A RESOLUTION
[7](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Electric Transformers)

THE RESOLUTION WAS APPROVED.

- 4.G. [2019-103](#) CONSIDER RESOLUTION NO. 2019-R156; A RESOLUTION
[8](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Truck for Electric Department)

THE RESOLUTION WAS APPROVED.

- 4.H. [2019-104](#) CONSIDER RESOLUTION NO. 2019-R157; A RESOLUTION
[0](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Rocksaw trencher for Water, Sewer and
Gas Departments)

THE RESOLUTION WAS APPROVED.

- 4.I. [2019-104](#) CONSIDER RESOLUTION NO. 2019-R158; A RESOLUTION
[1](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S

HOME RULE CHARTER. (UV Disinfection bulbs and equipment for the Wastewater Treatment and Recycling Center)

THE RESOLUTION WAS APPROVED.

**4.J. [2019-105](#) CONSIDER RESOLUTION NO. 2019-R159; A RESOLUTION
[0](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Truck for Treatment Plants Department)**

THE RESOLUTION WAS APPROVED.

**4.K. [2019-105](#) CONSIDER RESOLUTION NO. 2019-R160; A RESOLUTION
[1](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Replace disk filter materials for the
Wastewater Treatment and Recycle Center)**

THE RESOLUTION WAS APPROVED.

**4.L. [2019-105](#) CONSIDER RESOLUTION NO. 2019-R161; A RESOLUTION
[2](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Wastewater Treatment and Recycle
Center pump replacement)**

THE RESOLUTION WAS APPROVED.

**4.N. [2019-999](#) CONSIDER RESOLUTION NO. 2019-R163; A RESOLUTION
AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (Avior HD camera and recording system
for Council Chambers)**

THE RESOLUTION WAS APPROVED.

**4.O. [2019-100](#) CONSIDER RESOLUTION NO. 2019-R164; A RESOLUTION
[0](#) AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE
A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND DELL
FINANCIAL SERVICES LLC.**

THE RESOLUTION WAS APPROVED.

- 4.P. [2019-102](#) [6](#) CONSIDER RESOLUTION NO. 2019-R165; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND APPLE FINANCIAL SERVICES.

THE RESOLUTION WAS APPROVED.

- 4.Q. [2019-988](#) CONSIDER RESOLUTION NO. 2019-R166; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (3 vehicles for Police Department)

THE RESOLUTION WAS APPROVED.

- 4.R. [2019-102](#) [7](#) CONSIDER RESOLUTION NO. 2019-R167; 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.

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN TO APPROVED THE CONSENT AGENDA AS PRESENTED WITH THE EXCEPTION OF AGENDA ITEM 4.M, AND 4.O., TO BE DISCUSSED SEPARATELY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

- 4.M. [2019-102](#) [4](#) CONSIDER RESOLUTION NO. 2019-R162; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Furniture for new City Hall)

Council Member Fowler asked for discussion on the purchase of the furniture for the new City Hall. Ms. Linda Zartler, Assistant City Manager stated that \$1.4 million was originally budgeted for furniture in 2016. Staff has worked with the architect and interior designer to reduce costs by utilizing some existing

furniture and equipment. Ms. Zartler stated that no RFP was necessary since we are using cooperative purchasing agencies. The cost for the furniture and equipment totals \$624,418.19. Council Member Fowler expressed appreciation to staff in finding ways to save money and felt an explanation to the audience was needed due to the cost.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2019-R162; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (FURNITURE FOR NEW CITY HALL). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**4.O. [2019-100](#) CONSIDER RESOLUTION NO. 2019-R164; A RESOLUTION
[0](#) AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE
A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND DELL
FINANCIAL SERVICES LLC.**

Council Member Fowler asked for discussion on the lease agreement with Dell Financial Services LLC. Mr. Mike Raute, Information Technology Director explained that the City currently leases the computers used at City Hall. It was determined that 75 computers would be needed at the new City Hall. Rather than purchase 75 new computers, the City would lease the computers and buy out the current lease for a \$1.00 each and extend the warranty.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2019-R164; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND DELL FINANCIAL SERVICES LLC.. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**7. [2019-101](#) PRESENTATION OF UNIFIED DEVELOPMENT CODE DESIGN
[4](#) CHAPTERS.**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director and Ms. Carissa Cox of Mosaic to give an update on the Unified Development Code (UDC). Ms. Talley stated that the design chapters that will be presented during the meeting, have been emailed to the City Council for feedback. Ms. Cox mentioned that there has been two Town Hall meetings for public comment, and the Steering Committee has met monthly. Next month discussion will begin on signage with procedures following. In addition to the Steering Committee, there is also a Technical Committee to review signage. Early next year, the Steering Committee will re-visit zoning and will include overlays. Ms. Cox stated that once the LID sections are approved, it may be necessary to go back and make modifications to the design chapter. Discussion ensued regarding options to address building materials after the Legislature but a limit on what the City could require. Discussion also ensued regarding finding middle ground, requiring high standards but not too high to make development cost prohibitive and the processes should be streamlined for the developers.

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

**8.A. [2019-100](#) PROPOSED REZONING OF 0.5 ACRE AT 32840 INTERSTATE 10
[2](#) WEST (KAD NO. 26884) FROM I, INDUSTRIAL DISTRICT, TO B-2,
HIGHWAY COMMERCIAL DISTRICT. (Kenneth W. Seamans, one of
one hearing)**

Mayor Handren opened the Public Hearing at 7:11 p.m.

Mark Seamans, 110 Emerald Hill stated the property was purchased in 1984. It has been a saddle shop and a furniture store. He stated that the 2018 Master Plan indicated the property should be zoned for office use.

Mayor Handren closed the Public Hearing at 7:14 p.m.

**8.B. [2019-100](#) PROPOSED PERMANENT ZONING OF 0.545 ACRE AT 19 OLD SAN
[3](#) ANTONIO ROAD (KAD NO. 15817) FROM R-A, SINGLE-FAMILY**

**RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY
RESIDENTIAL-AGRICULTURAL. (Arvelene Ann Amari, one of one
hearing)**

Mayor Handren opened the Public Hearing at 7:14 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:15 p.m.

**8.C. [2019-100](#) PROPOSED PERMANENT ZONING OF 1.899 ACRES AT 21 OLD SAN
[4](#) ANTONIO ROAD (KAD NO. 15816) FROM R-A, SINGLE-FAMILY
RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY
RESIDENTIAL-AGRICULTURAL. (Jacob Obadia, one of one hearing)**

Mayor Handren opened the Public Hearing at 7:15 p.m.

Garrett Fischer, 21 Old San Antonio Road stated that he was speaking for his father-in-law Jacob Obadia. The building has been used for commercial since it was purchased.

Mayor Handren closed the Public Hearing at 7:17 p.m.

**8.D. [2019-100](#) PROPOSED PERMANENT ZONING OF 4.492 ACRES AT 23 OLD SAN
[5](#) 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,
one of one hearing)**

Mayor Handren opened the Public Hearing at 7:17 p.m.

Jay Harpole, 1521 South Main Street stated that he has been in Boerne for 29 years. His property located at 23 Old San Antonio Road is contiguous with 1521 South Main. He participated with the City in the Floodplain and SoBo Studies. He did not attend the Planning and Zoning Commission meeting as he assumed his property would be zoned based on the Master Plan. He asked that the City Council follow the Master Plan and zone the property B-1.

Donna Taylor, 26 City Park Road stated that she is representing the Cibolo Preserve. She was pleased that the City is moving forward with Low Impact Development and Stormwater ordinances. She is concerned that development in the area would have a negative impact on Menger and Cibolo Creeks.

Mayor Handren closed the Public Hearing at 7:25 p.m.

8.E. [2019-1006](#) 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, one of one hearing)

Mayor Handren opened the Public Hearing at 7:25 p.m.

Jay Harpole, 1521 South Main Street stated the property located at 34 Herff Road is contiguous to the Calder property and his other property (next agenda item). He asked that the City Council follow the Master Plan and zone the property B-1.

Mayor Handren closed the Public Hearing at 7:26 p.m.

8.F. [2019-1007](#) 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, one of one hearing)

Mayor Handren opened the Public Hearing at 7:26 p.m.

Jay Harpole, 1521 South Main Street asked that his property located at 36 Herff Road be zoned B-1.

Donna Taylor, 26 City Park Road expressed the same concerns with the other properties located on Herff Road which are the impacts developments could have on the Menger and Cibolo Creeks.

Mayor Handren closed the Public Hearing at 7:27 p.m.

**8.G. [2019-100](#) PROPOSED PERMANENT ZONING OF 6.01 ACRES AT 39 HERFF
[8](#) ROAD (KAD NOS. 63556 AND 63557) FROM R-A, SINGLE-FAMILY
RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY
RESIDENTIAL-AGRICULTURAL. (Barbara K. Fellows, one of one
hearing)**

Mayor Handren opened the Public Hearing at 7:27 p.m.

Donna Taylor, 26 City Park Road echoed the same concerns as the above agenda items.

Mayor Handren closed the Public Hearing at 7:28 p.m.

**8.H. [2019-100](#) PROPOSED PERMANENT ZONING OF 5.079 ACRES AT 31001
[9](#) INTERSTATE 10 WEST (KAD NO. 12292) FROM R-A, SINGLE-FAMILY
RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT.
(VBM Boerne Land LLC)**

Mayor Handren opened the Public Hearing at 7:28 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:28 p.m.

**8.I. [2019-101](#) PROPOSED USE OF AN AUTOMOBILE SERVICE WITH OUTSIDE
[0](#) 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, one of one hearing)**

Mayor Handren opened the Public Hearing at 7:28 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:29 p.m.

9. TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARING:

- 9.A. [2019-101](#) [1](#) CONSIDER ON FIRST READING ORDINANCE NO. 2019-43; 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 0.5 ACRES LOCATED AT 32840 INTERSTATE 10 WEST (KAD NO. 26884) FROM I, INDUSTRIAL DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Kenneth W. Seamans)

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated that the property owner has requested that the property be rezoned from I, Industrial to B-2, Highway Commercial District. She displayed a map of the location of the property indicating it was at the corner of the Industrial Park and IH-10. Because of the location and the need for industrial properties, Staff's recommendation was to deny the request.

Mayor Handren called on Ms. Paula Hayward in the audience. Ms. Hayward stated that her residence is on East Theissen and that she is a current Planning and Zoning Commissioner. Ms. Hayward explained that the Planning and Zoning Commission voted 5-2 to recommend to the City Council that the property be zoned B-2. They felt the uses of Industrial along IH-10 were unattractive and not conducive to an Entrance Corridor and that allowing office or retail along IH-10 would be a more effective use of the land.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER FOWLER, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-43; 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 0.5 ACRES LOCATED AT 32840 INTERSTATE 10 WEST (KAD NO. 26884) FROM I, INDUSTRIAL DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (KENNETH W. SEAMANS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

9.B. [2019-101](#) [7](#) CONSIDER ON FIRST READING ORDINANCE NO. 2019-44; 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 0.545 ACRES LOCATED AT 19 OLD SAN ANTONIO ROAD (KAD NO. 15817) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Arvelene Ann Amari)

Ms. Talley continued with the proposed permanent zoning of 19 Old San Antonio Road. She displayed a location map of the property. She stated that the property was recently annexed into the City limits and the next step is to permanently zone the property. Based on the Land Use Plan, Staff's recommendation to the Planning and Zoning Commission was to zone the property B-1, High Density Residential and Neighborhood Commercial District. Ms. Paula Hayward, Planning and Zoning Commission stated that the Planning and Zoning Commission were concerned that a drive-thru could go on the property. There is a conflict in the ordinance and Master Plan. She also stated that because the Low Impact Development/Stormwater ordinances are being revised and not in place yet, they did not want to recommend a less stringent

zoning. Ms. Talley reminded the City Council that the property owner could request rezoning of the property at a later date. She was unaware of any plans for the property. Discussion ensued regarding following ordinances that are currently in place and not what is proposed.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER FOWLER, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-44; 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 0.545 ACRES LOCATED AT 19 OLD SAN ANTONIO ROAD (KAD NO. 15817) 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. (ARVELENE ANN AMARI). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

9.C. [2019-101](#) [8](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-45; 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 1.899 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (KAD NO. 15816) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Jacob Obadia)**

Ms. Talley continued with the permanent zoning of 21 Old San Antonio Road. She displayed a location map of the property. Staff's recommendation to the Planning and Zoning Commission was B-1, High-Density Residential and Neighborhood Commercial District. Ms. Paula Hayward, Planning and Zoning

Commission once again stated the Planning and Zoning Commission's concern with whether a drive-thru would be allowed in the B-1 district since the Zoning Ordinance and the Master Plan conflict.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-45; 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 1.899 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (KAD NO. 15816) 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. (JACOB OBADIA). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

9.D. [2019-101](#) [9](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-46; 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 4.492 ACRES LOCATED AT 23 OLD SAN ANTONIO ROAD (KAD NOS. 15828 AND 15829) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J Willis Harpole)**

Ms. Talley continued with the permanent zoning of 23 Old San Antonio Road. She displayed a location map of the property. She stated that Staff recommended to the Planning and Zoning Commission that the property be zoned B-1, High-Density Residential and Neighborhood Commercial District. Discussion ensued regarding the area may be sensitive to Menger Creek,

concerns with Herff Road dividing the property, and Low Impact Development applying to both an R-A and B-1 district.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO TABLE ON FIRST READING ORDINANCE NO. 2019-46; 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 4.492 ACRES LOCATED AT 23 OLD SAN ANTONIO ROAD (KAD NOS. 15828 AND 15829) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE UNTIL JANUARY 14, 2020. (J WILLIS HARPOLE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Scott

Absent: 1 - Council Member Macaluso

9.E. [2019-102](#) [0](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-47; 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 2.372 ACRES LOCATED AT 34 HERFF ROAD (KAD NOS. 15868 AND 34998) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J Willis Harpole)**

Ms. Talley continued with the permanent zoning of 34 Herff Road. She displayed a location map of the property. She stated that Staff's recommendation to the Planning and Zoning Commission was B-1, High-Density Residential and Neighborhood Commercial District. Paula Hayward, Planning

and Zoning Commissioner stated that the Commission voted 6-1 to recommend an R-A district due to the disconnect between the Zoning Ordinance and the Master Plan on permitting a drive-thru on the property. The Commission felt there would eventually be commercial development in the area. Discussion ensued regarding the B-2 zoning of Herff Farm.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-47; 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 2.372 ACRES LOCATED AT 34 HERFF ROAD (KAD NOS. 15868 AND 34998) 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. (J WILLIS HARPOLE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

9.F. [2019-102](#) [1](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-48; 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 4.37 ACRES LOCATED AT 36 HERFF ROAD (KAD NO. 15865) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J Willis Harpole)**

Ms. Talley continued with the permanent zoning of 36 Herff Road. She displayed a location map of the property. Ms. Paula Hayward, Planning and Zoning Commissioner stated that the Planning and Zoning's concerns were that the the southern section of the property was close to Menger Creek and

encroaching on Herff Falls. She stated that the 17 Herff and SoBo Developers were scraping away more land than anticipated and didn't want it to happen to this property. Discussion ensued regarding designating different zoning districts to the property since Herff Road divides the property.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO TABLE ON FIRST READING ORDINANCE NO. 2019-48; 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 4.37 ACRES LOCATED AT 36 HERFF ROAD (KAD NO. 15865) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE UNTIL JANUARY 14, 2020. (J WILLIS HARPOLE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Scott

Absent: 1 - Council Member Macaluso

9.G. [2019-102](#) [2](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-49; 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 6.01 ACRES LOCATED AT 39 HERFF ROAD (KAD NOS. 63556 AND 63557) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Barbara K. Fellows)**

Ms. Talley continued with the permanent zoning of 39 Herff Road. She displayed a location map of the property. She stated that the property is mostly in the floodplain, however the Land Use Plan shows the property to be

zoned for a B-1 district. Ms. Paula Hayward, Planning and Zoning Commissioner stated that the property is most sensitive and not really developable.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-49; 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 6.01 ACRES LOCATED AT 39 HERFF ROAD (KAD NOS. 63556 AND 63557) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (BARBARA K. FELLOWS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Scott

Absent: 1 - Council Member Macaluso

9.H. [2019-101](#) [2](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-50; 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 5.079 ACRES LOCATED AT 31001 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12292) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (VBM Boerne Land LLC, Toyota)**

Ms. Talley continued with the permanent zoning of the property located at 31001 IH-10 West. She displayed a location map of the property. Staff's recommendation to the Planning and Zoning Commission was to zone the property I, Industrial District. The Planning and Zoning Commission voted 6-0 in

favor of the permanent zoning of I, Industrial District.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-50; 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 5.079 ACRES LOCATED AT 31001 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12292) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (VBM BOERNE LAND LLC, TOYOTA). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

9.I. [2019-101](#) [3](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-51; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF AUTOMOBILE SERVICE WITH OUTSIDE STORAGE IN AN I, INDUSTRIAL DISTRICT LOCATED AT 31001 INTERSTATE 10 WEST (KAD NO. 12292), A TOTAL OF 5.079 ACRES. (VBM Boerne Land LLC, Toyota)**

Ms. Talley continued with the property owner's request for a permitted use of automobile service with outside storage. Ms. Talley displayed a location map of the property as well as a proposed site plan and design of the building. The Planning and Zoning Commission voted in favor of the requested use. Discussion ensued regarding requiring screening or solid fencing. Ms. Talley stated that the City Council can include a caveat when the motion is made.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-51; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF AUTOMOBILE SERVICE WITH OUTSIDE STORAGE IN AN I, INDUSTRIAL DISTRICT LOCATED AT 31001 INTERSTATE 10 WEST (KAD NO. 12292), A TOTAL OF 5.079 ACRES TO INCLUDE SOLID FENCING OF A MINIMUM OF 7 FEET TALL. (VBM BOERNE LAND LLC, TOYOTA). THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

MAYOR HANDREN VOTED YEAH TO BREAK THE TIE.

Yeah: 2 - Mayor Pro Tem Woolard, and Council Member Scott

Nay: 2 - Council Member Wolosin, and Council Member Fowler

Absent: 1 - Council Member Macaluso

10. [2019-104](#) **CONSIDER ON SECOND READING ORDINANCE NO. 2019-41; AN**
[3](#) **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 since the last meeting, Staff discovered that AIRBNB may collect and remit the Hotel Occupancy Tax for the owner of the short term rental property. The owner must comply with the City of Boerne Zoning Ordinance and the property can not be located in an Industrial Zone. The City's Code Enforcement Department will provide owners with an information packet when they apply for their permit to include a list of important phone numbers that is to be placed in each rental unit.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON SECOND 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, Mayor Pro Tem Woolard, and Council Member Scott

Absent: 1 - Council Member Macaluso

Recused: 1 - Council Member Fowler

11. [2019-101](#) [5](#) **CONSIDER ON SECOND 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 to discuss the annexation request. A map of the location of the property was displayed. The developer is proposing a residential development for the 10-acre parcel. If approved, the City will provide sewer and gas utilities to the property. Discussion ensued regarding how the property would be zoned if it was annexed into the City limits. Ms. Talley stated that the Future Land Use Plan identifies the area as "Auto-oriented Commercial" which is typically a B-2 District. Discussion continued with whether the City typically annexes property at the request of the property owner even if it is not economically feasible. Ms. Talley reminded the Council Members that if the property is annexed, the owner would need to

follow City ordinances, therefore controlling what is near to City boundaries. The City Council also expressed concerns with the number of trees that have been cut down.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON SECOND 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: 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, and Council Member Fowler

Absent: 1 - Council Member Macaluso

12. [2019-104](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-52; AN**
[8](#) **ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2018-42 CAPTIONED "AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT."**

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed the modifications to the City's Fee Ordinance. She stated that the fees are reviewed annually and recommendations for modifications are made by Staff. She noted that the fee for Fire Watch Personnel will not be added to the Ordinance at this time. Discussion ensued regarding the Fire Inspection Fee.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-52; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2018-42 CAPTIONED "AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT." THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

13. [2019-102](#) [5](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2019-53; AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.**

Mayor Handren called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler stated that the City has been a member of the Texas Municipal Retirement System since 1974. She explained the Ordinance under consideration will grant restricted prior service credit to an employee for service previously performed for various other public entities for which they have not received credit service, such as the military. Police Chief Kohler stated there are three employees at the Police Department which this would affect. Ms. Zartler stated that the restricted prior service credit does not increase the retirement funds available to the employee, it simply allows the employee to qualify sooner for retirement.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-53; AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**14. [2019-105](#) RECEIVE THE RECOMMENDATION FROM THE IMPACT FEE
[5](#) ADVISORY COMMITTEE AND SET A PUBLIC HEARING FOR
NOVEMBER 26, 2019.**

Council Member Scott left the meeting at 9:26 p.m. and returned at 9:28 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE THE RECOMMENDATION FROM THE IMPACT FEE ADVISORY COMMITTEE AND SET A PUBLIC HEARING FOR NOVEMBER 26, 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 2 - Council Member Scott, and Council Member Macaluso

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

**15.A.[2019-101](#) PROPOSED REVISIONS TO THE CITY OF BOERNE ZONING
[6](#) ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06.
DEFINITIONS, ARTICLE 8, HISTORIC LANDMARK/HISTORIC
DISTRICT PRESERVATION, ADDING SECTION13, DEMOLITION OF
HISTORIC STRUCTURES, AND AMENDING THE SUBSEQUENT
SECTION NUMBERS.**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER FOWLER, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET THE PUBLIC HEARING FOR NOVEMBER 12, 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**16. [2019-105](#) DISCUSSION AND CONSIDER ACCEPTANCE OF FISCAL YEAR 2020
[4](#) ECONOMIC DEVELOPMENT WORK PLAN.**

Mayor Handren called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that he was excited about the new leadership at the Boerne Kendall County Economic Development Corporation (BKCEDC) as Amy Story has replaced Misty Mayo as President/CEO. Mr. Thompson provided a draft of the Fiscal Year 2020 City of Boerne Economic Development Work Plan. This is the eighth year that the city has created an Economic Development Work Plan. The primary focus of the Plan is to focus on higher paying jobs and workforce availability. City Manager Ron Bowman reminded the City Council that this Plan is a work in progress and can be adjusted along the way if necessary.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE AND ACCEPT THE FISCAL YEAR 2020 ECONOMIC DEVELOPMENT WORK PLAN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**17. [2019-105](#) CITY MANAGER'S REPORT DISCUSSION:
[3](#) A. UPDATE ON PROJECTS DASHBOARD**

Mayor Handren called on Mr. Ron Bowman, City Manager. Mr. Bowman reviewed the project report stating that Staff has worked on 97 projects this fiscal year. He mentioned that he has received a letter from Representative Kyle Biedermann regarding House Speaker Dennis Bonnen's negative comments towards cities. He reminded the City Council that Early Voting began on Monday, October 21, 2019. He spoke on the importance of Proposition 8.

Shoreline and the WCID projects are taking a lot of Staff's time. Mayor Handren asked Staff to raise their hand if there are too many projects. The City Council needs to be aware of Staff's time.

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

Assistant City Manager Linda Zartler stated that she will have an update on the New City Hall project at the City Council meeting.

Mayor Handren referred to his comments in the local newspapers regarding Speaker Bonnen's comments. Judge Lux and the Mayor of Fair Oaks collaborated on the article. Representative Biedermann apologized and condemned the words of Speaker Bonnen. Speaker Bonnen has announced that he will not seek re-election.

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

Mayor Handren convened the City Council into Executive Session at 9:51 p.m.

**19.A.[2019-104](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND
[5](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS. (WCID NO. 3 Update)**

No action was taken.

**19.B.[2019-104](#) SECTION 551.074 - PERSONNEL MATTERS TO DISCUSS AND
[6](#) CONSIDER THE FUTURE CITY MANAGER POSITION,
QUALIFICATIONS, DUTIES AND RESPONSIBILITIES; TRANSITIONAL
STEPS AND TIMELINE; PROCESS FOR RECRUITMENT IF NECESSARY.**

No action was taken.

20. 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 11:00 p.m.

20.A. [2019-104](#) 7 CONSIDER RESOLUTION NO. 2019-R168; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND BOERNE BAK, LLC AND BOERNEBAK II, LLC (WCID No. 3).

No action was taken.

21. 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 find it necessary to reconvene into Executive Session.

22. ADJOURNMENT

Mayor Handren adjourned the City Council at 11:00 p.m.

Approved:

Mayor

Attest:

City Secretary

