

MINUTES
CITY COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
November 26, 2019 – 5:00 p.m.

Minutes of the City Council Workshop of November 26, 2019 at 5:00 p.m.

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

Absent: 1 - Mayor Tim Handren

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Sandy
Mattick, Mick McKamie, Doug Meckel, Nick Montagno, Terry Nolan, Jeff Page,
Mike Raute, Chris Shadrock, and Jeff Thompson.

Recognized/Registered Guests: Robert Imler and Crystal Henry.

1. CALL TO ORDER – 5:00 PM

Mayor Pro Tem Woolard called the City Council Workshop to order at 5:01 p.m.

2. PUBLIC COMMENTS:

No comments were received.

**3. [2019-111](#) PRESENTATION AND DISCUSSION ON PROPOSED UPDATE OF THE
 [7](#) LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND
 IMPACT FEES FOR THE WATER AND WASTEWATER UTILITIES.**

Mayor Pro Tem Woolard called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson explained the opportunity for the City to collect impact fees from new development for utilizing the city's water and wastewater systems to relieve the burden on current rate payers. Mr. Thompson introduced Mr. Grady Reed of HDR Engineering to provide a summary of the study results and present the recommendations of the Impact Fee Advisory Committee. Mr. Reed stated that the Texas Local Government Code Section 395 defines Impact

Fees and how the collected fees can be used. The fees can be used to expand but cannot be used for maintenance and operation of current utilities. He also discussed how the fee is determined and explained the service area which the fees can be applied. Mr. Reed provided a fee comparison with area cities. He stated the the Impact Fee Advisory Committee recommended that the new maximum fee for water be \$5,743 and \$3,814 for wastewater.

4. ADJOURNMENT

Mayor Pro Tem Wooldard adjourned the City Council Workshop at 5:35 p.m.

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

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

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

Absent: 1 - Mayor Tim Handren

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Jeff Carroll, Lori Carroll, Sandy Mattick, Mick McKamie, Doug Meckel, Nick Montagno, Terry Nolan, Jeff Page, Mike Raute, Chris Shadrock, Kelly Skovbjerg, Laura Talley, and Jeff Thompson.

Recognized/Registered Guests: Robert Imler, Alison Church, Amy Story, Randy Mayo, Doug Finlayson, Yvette Reyna, Phil Bakke, and Charles Hill.

1. CALL TO ORDER – 6:00 PM

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

Mayor Pro Tem Woolard asked for a Moment of Silence.

Mayor Pro Tem Woolard led the Pledge of Allegiance to the United States Flag and the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. [2019-111](#) PRESENTATION OF "PIE IN THE SKY CAMPAIGN" BY YVETTE REYNA, EXECUTIVE DIRECTOR OF THE BOERNE EDUCATION FOUNDATION AND BOERNE INDEPENDENT SCHOOL DISTRICT COMMUNITY PARTNERSHIPS.

Mayor Pro Tem Woolard called on Ms. Yvette Reyna of the Boerne Education Foundation. Ms. Reyna stated that the Foundation raises money year round to benefit Boerne ISD. During the holidays, November 1 thru December 20, 2019, if you purchase a Chess Pie from Peggy's on the Green for \$30.00, \$15.00 will go to the Foundation. If a slice of Chess Pie is purchased, the full cost of the slice will go to the Foundation.

4. PUBLIC COMMENTS:

Randy Mayo, 9 Corley Road stated that his family has owned property on Corley Road since 1936. He expressed concerns with the proposed WCID, the density of the development and the environmental impact on Balcones Creek.

5. CONSENT AGENDA:

5.A. [2019-110](#) CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 12, 2019.

[9](#)

5.B. [2019-110](#) CONSIDER RESOLUTION NO. 2019-R175; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Electric distribution construction materials for Herff Village Phase 2)

[3](#)

- 5.C. [2019-110](#) [4](#) CONSIDER RESOLUTION NO. 2019-R176; A RESOLUTION DESIGNATING THE CITY'S ANNUAL ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO RETAIN THE CURRENT QUARTERLY ALLOCATION FOR CALENDAR YEAR 2020.
- 5.D. [2019-110](#) [5](#) CONSIDER RESOLUTION NO. 2019-R177; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO RETAIN THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2020.
- 5.E. [2019-111](#) [6](#) CONSIDER RESOLUTION NO. 2019-R178; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT WITH SCHNEIDER ENGINEERING FOR DESIGN UPGRADES TO FEEDERS. (Feeders #10 and #20 extending from the Menger Creek and Boerne Electric Substations)
- 5.F. [2019-111](#) [0](#) CONSIDER RESOLUTION NO. 2019-R179; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Display monitors for new City Hall)
- 5.G. [2019-110](#) [6](#) CONSIDER RESOLUTION NO. 2019-R180; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND BIBLIOTHECA, LLC FOR SELF-CHECK EQUIPMENT SOFTWARE AND HARDWARE UPGRADES.

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

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

- 6.A. [2019-112](#) PROPOSED UPDATE OF THE LAND USE ASSUMPTIONS, CAPITAL
[0](#) IMPROVEMENTS PLAN, AND IMPACT FEES FOR THE WATER AND
WASTEWATER UTILITIES.**

Mayor Pro Tem Woolard opened the Public Hearing at 6:10 p.m.

No comments were received.

Mayor Pro Tem Woolard closed the Public Hearing at 6:10 p.m.

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

- 7.A. [2019-112](#) CONSIDER ON FIRST READING ORDINANCE NO. 2019-56; AN
[1](#) ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND
REPLACING ORDINANCE NOS. 2014-38, 2015-03, 2017-13 AND
ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER
UTILITIES.**

Mayor Pro Tem Woolard called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson referred to the discussion at the City Council Workshop held at 5:00 p.m. It is the Impact Fee Advisory Committee's recommendation to impose the maximum allowable fees for water and wastewater, a total of \$9,557. Discussion ensued regarding how the offsets and credits are applied, applying the same rate for older homes adding a meter versus a new development.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2019-56; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NOS. 2014-38, 2015-03, 2017-13 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. 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

8. [2019-110](#) **CONSIDER RESOLUTION NO. 2019-R181; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION OF A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS. (Morningside Ministries)**

Mayor Pro Tem Woolard called on Mr. Mick McKamie, Interim City Attorney. Mr. McKamie explained that Morningside Ministries is seeking financing and refinancing in an aggregate amount of \$85,000,000.00 for the facility located in Boerne. Because the Morningside Ministries project is located in Boerne, IRS Code Section 147(f) requires the City of Boerne to approve the bond issuance. Under the IRS Code, the City incurs no liability with respect to the bonds, no financial liability or obligations.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2019-R181; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION OF A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS. (MORNINGSIDE MINISTRIES) 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. [2019-111](#) **PRESENTATION AND DISCUSSION OF THE PROPOSED INTEGRATED STORMWATER MANAGEMENT UPDATE TO ORDINANCES.**

Mayor Pro Tem Woolard called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated that on Monday, December 2, 2019, the Planning and Zoning Commission, at their regular meeting will discuss Floodplain Management, Stream Setbacks, and Low Impact Development (LID) to incorporate in the Zoning Ordinance. A map of the Boerne area FEMA flood

hazards was displayed. She introduced Troy Dorman and Josh Logan of Halff Associates who will also present at the Planning and Zoning Commission meeting. Mr. Dorman stated that it is good to have regulations on the books, but enforcement is also necessary. He discussed drainage regulations and general requirements, flood hazards, LID facilities, stream setbacks, and protection surface water supplies. Discussion ensued regarding floodplain mapping and the City's review process. There was also discussion regarding new development versus re-development, point of measurement for stream setbacks, and developing property in a FEMA floodplain.

10. [2019-111](#) [4](#) **CALL FOR A PUBLIC HEARING FOR DECEMBER 10, 2019 TO CONSIDER THE RECOMMENDATION RECEIVED FROM THE PLANNING AND ZONING COMMISSION REGARDING AMENDMENTS TO THE CITY OF BOERNE'S ZONING ORDINANCE NO. 2007-64, ARTICLE 1. IN GENERAL, SECTION 06. DEFINITIONS, STREAM SETBACKS.**

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO CALL FOR A PUBLIC HEARING FOR DECEMBER 10, 2019 TO CONSIDER THE RECOMMENDATION RECEIVED FROM THE PLANNING AND ZONING COMMISSION REGARDING AMENDMENTS TO THE CITY OF BOERNE'S ZONING ORDINANCE NO. 2007-64, ARTICLE 1. IN GENERAL, SECTION 06. DEFINITIONS, STREAM SETBACKS. 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. [2019-112](#) [2](#) **CONSIDER RESOLUTION NO. 2019-R182; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION.**

Mayor Pro Tem Woolard called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson distributed a copy of the Economic Development Process Flowchart (Swimlane) to the City Council Members. He stated that City staff, Boerne Kendall County Economic Development Corporation (BKCEDC) staff

along with Kim Blohm of the Boerne Chamber of Commerce have worked to map out the process that the BKCEDC will use to go from having a lead or a contact through to completion of the economic development process. Discussion ensued regarding business retention, recruitment, incentives, attracting workers and high paying jobs. City Manager Ron Bowman stated that in the contract, there is an addition of a city council member to the Executive Board. Mr. Thompson stated that it is Staff's recommendation to approve the contract to include a one-time payment of \$18,750 for the last calendar quarter of 2019, and to be in effect through December 31, 2020 with four more quarterly payments totaling \$75,000.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2019-R182; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR AN AMOUNT NOT TO EXCEED \$75,000 PER CALENDAR YEAR AND AN INITIAL ONE-TIME PAYMENT OF \$18,750 FOR SERVICES PROVIDED FOR THE PERIOD OF OCTOBER 1, 2019 TO DECEMBER 31, 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

12. [2019-110](#) CITY MANAGER'S REPORT DISCUSSION:

[8](#) A. UPDATE ON PROJECT DASHBOARD

Mayor Pro Tem Woolard called on City Manager Ron Bowman. Mr. Bowman provided a copy of the projects list to the City Council Members. He stated that out of 99 items on the list, 26 have been completed.

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

Council Member Wolosin expressed his appreciation to City Staff and to the City Council on his one year anniversary of being appointed to the City Council.

Communications Director Pam Bransford introduced new City employee Chris

Shadrock. He is the new Communications Manager.

Deputy City Manager Jeff Thompson informed the City Council that City Staff has been working with the Chamber and TxDOT on signage to direct people downtown since the exit closed. Mr. Thompson display a photo of the new temporary signage on Christus Parkway. He also stated that the new exit will be completed in about a year.

City Manager Ron Bowman reminded the City Council that Dickens on Main will be this weekend, December 29th and 30th.

Interim City Attorney Mick McKamie stated that he represented Boerne at the National League of Cities Summit in San Antonio.

Mayor Pro Tem Woolard wished everyone a Happy Thanksgiving and safe travel.

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

Mayor Pro Tem Woolard convened the City Council into Executive Session at 7:28 p.m.

**14.A.[2019-111](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND
[2](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS. (WCID NO. 3 Update)**

No action was taken.

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

Mayor Pro Tem Woolard reconvened the City Council into Open Session at 7:53 p.m.

15.A.[2019-111](#) [3](#) CONSIDER RESOLUTION NO. 2019-R183; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND BOERNEBAK, LLC AND BOERNEBAK II, LLC (WCID No. 3).

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2019-R183; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND BOERNEBAK, LLC AND BOERNEBAK II, LLC (WCID NO. 3A). 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

Council Member Macaluso complimented City staff on the process having to work within the State's restraints.

16. 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)

It was not necessary to once again convene into Executive Session.

17. ADJOURNMENT

Mayor Pro Tem Woolard adjourned the City Council Meeting at 7:55 p.m.

Approved:

Mayor

Attest:

City Secretary