

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**September 8, 2020 – 6:00 PM**

Minutes of the Regular City Council Meeting of September 8, 2020.

**Present:**       **6 -** Mayor Tim Handren, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Quinten Scott, Council Member Bryce Boddie, and Council Member Joseph Macaluso

**Staff Present:** Ben Thatcher, Lori Carroll, Siria Arreola, Mike Mann, Sandy Mattick, Nick Montagno, Barbara Quirk, Mike Raute, Angie Rios, Laura Talley, Jeff Thompson, and Danny Zincke.

**Guest Present:** Tom Kartrude and Mario Obledo, Jr.

**1. CALL TO ORDER – 6:00 PM**

Mayor Handren called the meeting to order at 6:07 p.m.

**INVOCATION**

Mayor Handren called on Pastor Jason Smith from First Baptist Church of Boerne 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**

No conflicts of interest were declared.

**3. PUBLIC COMMENTS:**

Tom Partrude, 128 Lone Star, Boerne, expressed appreciation to City Council for approving the Flood Plain Management ordinance.

Mario Obledo, Jr. Chief of Government & Public Affairs of the San Antonio Food Bank provided information about the Food Bank and assistance they provide to communities during disasters. San Antonio is one of 200 food banks across America. A food distribution event is scheduled for September 17, 2020 at Champion High School.

#### **4. CONSENT AGENDA:**

**A. CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 25, 2020.**

The Minutes were approved.

**B. CONSIDER MOTION CASTING THE CITY'S VOTE IN THE ELECTION TO THE TEXAS MUNICIPAL LEAGUE HEALTH BENEFITS POOL BOARD OF TRUSTEE REGION 7. (Cast vote for TML 2020 Board of Trustee Election.)**

Motion casting the City's vote for Joe A. Cardenas was approved.

**C. CONSIDER MOTION CASTING THE CITY'S VOTE IN THE ELECTION TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES ELECTION. (Cast vote for TML Intergovernmental Risk Pool 2020 Board of Trustee Election.)**

Motion casting City's vote for Robert T. Herrera, John W. (Buzz) Fullen, Jeffrey Snyder, and Kimberly Meismer was approved.

**D. CONSIDER RESOLUTION NO. 2020-R66; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PENGUIN SUITS, INC. FOR THE 2021 PARKS AND RECREATION GUIDEBOOKS. (Produce, print, and distribute annual Parks Guidebook)**

Resolution No. 2020-R66 was approved.

- E.                CONSIDER RESOLUTION NO. 2020-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND KENDALL COUNTY FOR HEALTH SANITARIAN SERVICE. (Annual interlocal agreement for food establishment services)

Resolution No. 2020-R67 was approved.

- F.                CONSIDER RESOLUTION NO. 2020-R68; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LISTING AGREEMENT FOR SALE OF THE LAND AND PERMANENTLY ATTACHED BUILDINGS LOCATED AT 400 AND 402 EAST BLANCO ROAD, BOERNE, TEXAS, BETWEEN THE CITY OF BOERNE AND CUSHMAN & WAKEFIELD U.S., INC. (Former Public Works and City Hall building with certain adjacent land and structures)

Resolution No. 2020-R68 was approved.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, 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 Boddie, and Council Member Macaluso

#### **REGULAR AGENDA:**

#### **5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:**

- A.                CONSIDER ON SECOND READING ORDINANCE NO. 2020-21; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021.

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick

stated that there have been no changes to the budget since the last City Council meeting.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE ON SECOND READING ORDINANCE NO. 2020-21; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**B. PROPOSED TAX RATE OF 0.4720/100 FOR FISCAL YEAR 2020-2021.**

**I. PRESENTATION**

**II. PUBLIC HEARING (One of one hearing)**

**III. RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2020-2021 BUDGET.**

**IV. CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2020-23; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. (As described below)**

**V. CONSIDER ORDINANCE NO. 2020-23; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2020 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. (Ordinance adopting tax rate)**

Ms. Mattick declared the proposed tax rate for Fiscal Year 2021 is \$0.4720 per \$100 valuation and the no-new-revenue rate is \$0.4656. The proposed tax rate is a 1.37% increase over the "no-new-revenue" rate. The tax rate remains the same as last year.

Mayor Handren opened the Public Hearing at 6:21 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:22 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER MACALUSO, TO RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE 2020-2021 BUDGET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2020-23; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. (AS DESCRIBED BELOW) THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER MACALUSO, THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.4720, WHICH IS EFFECTIVELY A 1.37 PERCENT INCREASE IN THE TAX RATE AND APPROVE ORDINANCE NO. 2020-23; ADOPTING THE TAX RATE FOR 2020. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**C. PROPOSED ANNEXATION OF 8.869 ACRES OF LAND LOCATED AT 103 OLD SAN ANTONIO ROAD AND ADJOINING PORTION OF OLD**

**SAN ANTONIO ROAD. (At the request of William G. Graham, Fraser H. Graham, and John J. Laroche)**

**I. PRESENTATION**

**II. PUBLIC HEARING (One of one hearing)**

**III. CONSIDER ON FIRST READING ORDINANCE NO. 2020-24; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY.**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. She displayed a map of the location. Discussion ensued about future plans for the property.

Mayor Handren opened the Public Hearing at 6:29 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:29 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2020-24; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

## 6. RESOLUTIONS

**A. CONSIDER RESOLUTION NO. 2020-R69; A RESOLUTION ACCEPTING THE SETTLEMENT LETTER OF LEE LEWIS CONSTRUCTION, INC. AS THE FINAL SETTLEMENT AGREEMENT AND APPROVING THE FINAL CHANGE ORDER AND AUTHORIZING EXPENDITURES RELATED THERETO FOR FINAL PAYMENT FOR WORK ON THE NEW CITY HALL. (Approving final payment for construction of New City Hall)**

Mayor Handren called on Mr. Mike Mann, Utilities Director. Mr. Mann discussed the construction of the new city hall and the contingencies for owner and contractor. Staff recommends that the Council authorize payment of this additional amount.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2020-R69; A RESOLUTION ACCEPTING THE SETTLEMENT LETTER OF LEE LEWIS CONSTRUCTION, INC. AS THE FINAL SETTLEMENT AGREEMENT AND APPROVING THE FINAL CHANGE ORDER AND AUTHORIZING EXPENDITURES RELATED THERETO FOR FINAL PAYMENT IN THE AMOUNT OF \$65,405.50 FOR WORK ON THE NEW CITY HALL. (APPROVING FINAL PAYMENT FOR CONSTRUCTION OF NEW CITY HALL). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**B. CONSIDER RESOLUTION NO. 2020-R70; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND BOERNEBAK, LLC AND BOERNEBAK II, LLC. (WCID No. 3)**

Mayor Handren called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson acknowledged Mr. Phil Bakke in the audience. He stated that Representatives of BoerneBak Development have asked that the current development agreement be modified. He explained that with the pandemic, progress on the development has slowed and they have requested a six-month delay from November 2020 to May 2021 to the start of payments in lieu of impact fees. Mr. Thompson stated that the payment amounts would be adjusted accordingly.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2020-R70; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND BOERNEBAK, LLC AND BOERNEBAK II, LLC. (WCID NO. 3). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

## **7. OTHER ITEMS:**

**A. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR OCTOBER 13, 2020:**

**I. PROPOSED PERMANENT ZONING OF 0.829 ACRES LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD NO. 15876) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL**



**DISTRICT. (Chad and Kerri Properties LP)**

**II. PROPOSED PERMANENT ZONING OF 0.374 ACRES LOCATED AT 33875A INTERSTATE HIGHWAY 10 (KAD NO. 33907) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL DISTRICT. (Denis and Jill Goulet)**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR OCTOBER 13, 2020. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

#### **8. CITY MANAGER'S REPORT:**

##### **A. LEMONADE DAY (Zincke)**

Danny Zincke, Community Services Director briefed City Council on the upcoming Lemonade Day which will take place September 20, 2020. It is no longer necessary for the City to waive permit and fee requirements due to House Bill 234 passed by State Legislation. Kids participating in Lemonade Day still need to obtain a permit as part of the learning experience of being an entrepreneur. The Chamber of Commerce submitted a protocol of COVID mitigation for Lemonade Day activities.

Ben Thatcher, City Manager, expressed appreciation to the City Council and to staff for their work on the budget.

#### **9. COMMENTS FROM COUNCIL – No discussion or action may take place.**

Council Member Ty Wolosin expressed appreciation to Mayor Handren, Ben Thatcher and staff for the continued work on COVID issues.

Mayor Handren discussed COVID numbers for the area. The Governor's mandate for masks has helped. There will be a COVID testing site at the Kendall

County Fairgrounds on September 18, 2020. Mayor Handren extended congratulations to Council Member Ty Wolosin for being named on the list of "Hill Country 40 under 40" for achieving excellence in innovation, entrepreneurship and leadership.

**10. 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 reconvene into Executive Session.

#### **11. ADJOURNMENT**

Mayor Handren adjourned the City Council meeting at 6:45 p.m.

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Mayor

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City Secretary