

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

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, Siria Arreola, Pam Bransford, Jeff Carroll, Lori Carroll, Rebecca Foley, Jim Kohler, Cody Lackey, Steve Perez, Barbara Quirk, Mike Raute, Sandy Mattick, James Schmidt, Chris Shadrock, Laura Talley, Jeff Thompson, and Danny Zincke.

Recognized/Registered Guests: Bryan Benway, Jim Phelps, Dr. Thomas Price, Maritz Gonzalez Cooper, Russell Noll, Bob Bower, Ben Eledredge, Paul Beaton, Kevin Beaton, Hunter Beaton. Patrick Cohoon attended via Zoom.

1. CALL TO ORDER – 6:00 PM

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

INVOCATION

Mayor Handren called on Mr. Chris Palmer, Minister Boerne Church of Christ to provide the Invocation.

Mayor Handren asked Chris Palmer's sons Boston and Graham to lead the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Jim Phelps, 99 Stonegate South spoke on pedestrian safety. He provided a handout to the City Council Members regarding data he had collected regarding cars not yielding at crosswalks.

Dr. Thomas Price, BISD Superintendent and Ms. Maritza Gonzalez Cooper, School Board Trustee expressed their appreciation to the City Council for their partnership and their continued support of the School District.

Mayor Handren stated that Agenda Item 7.D. and 7.A. will be moved in front of the Consent Agenda.

D. RECOGNITION OF HUNTER BEATON, AACOG REGIONAL CITIZEN OF THE YEAR.

Mayor Handren recognized Mr. Hunter Beaton for receiving the AACOG Regional Citizen of the Year Award. Mr. Beaton explained that when a foster child came to live with his family, the very few belongings the child had was in a plastic bag. As an Eagle Scout project, Day One Backpack was established. He partnered with Flying Circle Bags. The project was taken nationwide. Mr. Beaton is currently attending school at University of Texas.

A. RECEIVE AN UPDATE FROM THE BOERNE COMMUNITY WATER PLANNING COMMITTEE.

Mayor Handren called on Mr. Patrick Cohoon who attended the meeting virtually. Mr. Cohoon provided an update from the Boerne Community Water Planning Committee. At the next meeting in January, the Committee will send out a citizen's survey.

4. CONSENT AGENDA:

A. CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING ON NOVEMBER 17, 2020, REGULAR MEETING ON NOVEMBER 24, 2020, AND WORKSHOP ON DECEMBER 1, 2020.

- B. ANNUAL REVIEW OF THE CITY OF BOERNE'S INVESTMENT POLICY AND BROKER-DEALER LIST.
- C. CONSIDER RESOLUTION NO. 2020-R102; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTIES BY THE CITY OF BOERNE, TEXAS, AND AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS; AND CONSIDER APPROVING A MUNICIPAL SERVICES PLAN. (At the request of Kendall County, portions of: Ranger Creek Road - from the southwest corner of Boerne Water Treatment Plant parcel, approximately 5,890 feet west of IH10, in a western direction approximately 4,630 feet to the Southwest Corner of Lake Country subdivision, Upper Balcones Road northern portion - from a point approximately 150 feet south of the intersection of Upper Balcones and Coughran Road, in a southern direction, approximately 820 feet, Upper Balcones Road southern portion - from a point approximately 1,340 feet south of the intersection of Upper Balcones and Coughran Road, in a southern direction, approximately 1,420 feet, E. Shooting Club Road - the portion east of Sisterdale Road (FM 1376), Old San Antonio Road northern portion - from a point approximately 2,710 feet south of the intersection of Old San Antonio Road and Herff Road, in a southern direction approximately 1,390 feet, Old San Antonio Road southern portion - from a point approximately 390 feet north of the intersection of Old San Antonio Road and Industrial Drive, in a southern direction approximately 685 feet, and Cascade Cavern Road - from the intersection of Cascade Caverns Road and Old Fredericksburg Road, approximately 680 feet west)
- D. RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2020-R103; A RESOLUTION AWARDED A CONTRACT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND GREENSTONE ELECTRIC SERVICES, LLC. FOR CONSTRUCTION OF BOERNE BO-10 AND

MK-10, AND BO-20 AND MK-20 ELECTRICAL FEEDER UPGRADE PROJECT FOR AN AMOUNT NOT TO EXCEED \$548,766.22.

- E. CONSIDER RESOLUTION NO. 2020-R104; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ADOPTING THE 2020-2021 LEGISLATIVE PLAN TO BE ACTED ON BY THE CITY MANAGER AND/OR HIS DESIGNEE RELATED TO THE UPCOMING 87TH LEGISLATIVE SESSION.**
- F. CALL FOR A PUBLIC HEARING REGARDING THE ADOPTION OF THE ZONING MAP FOR THE UNIFIED DEVELOPMENT CODE ON JANUARY 12, 2021 AT 6:00 P.M.**

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

5. PUBLIC HEARINGS, PRESENTATIONS, AND ORDINANCES:

- A. PROPOSED REZONING OF 0.494 ACRES LOCATED AT 115 STAHL STREET (KAD NO. 20028) FROM R-3, HIGH-DENSITY RESIDENTIAL DISTRICT, TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT. (Bichouse LLC, Gerhard M. Schruf)**

I. PRESENTATION

II. PUBLIC HEARING (One of one hearing)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2020-30; 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 0.494 ACRES LOCATED AT 115 STAHL STREET (KAD NO. 20028) FROM R-3, HIGH-DENSITY RESIDENTIAL DISTRICT, TO R-4, MULTI-FAMILY

**RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN
CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING
AN EFFECTIVE DATE.**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property location, 115 Stahl Street. The lot size is 0.765 acres. She stated that the property owner is requesting that 0.494 acres be rezoned R-4 Multi-Family Residential District. The rest of the property to remain as R-3, High-density Residential. She displayed a proposed site plan of the 3-unit development.

Mayor Handren opened the Public Hearing at 6:41 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:42 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOOLARD TO APPROVE ON FIRST READING ORDINANCE NO. 2020-30; 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 0.494 ACRES LOCATED AT 115 STAHL STREET (KAD NO. 20028) FROM R-3, HIGH-DENSITY RESIDENTIAL DISTRICT, TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. 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 PERMANENT ZONING OF 5.01 ACRES LOCATED AT 30 CASCADE CAVERNS ROAD (KAD NO. 25666) FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO O, OFFICE DISTRICT. (Las Cascadas Holdings)

I. PRESENTATION

II. PUBLIC HEARING (One of one hearing)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2020-31; 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 5.01 ACRES LOCATED AT 30 CASCADE CAVERNS ROAD (KAD NO. 25666) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO O, OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Ms. Talley continued with a display of the property located at 30 Cascade Cavern Road. The property owner would like to relocate his office to this address and originally requested B-1, Neighborhood Commercial/High Density Residential. It was the Planning and Zoning Commission that recommended the property be zoned O, Office District Zoning.

Mayor Handren opened the Public Hearing at 6:47 p.m.

Dr. Bower clarified that he only wants to move his single practice to a larger building.

Russell Knoll, 124 Oak Lane, stated he was a former Planning and Zoning Commissioner. He is representing Dr. Bower in the purchase of the property, noting that the structure on 30 Cascade Caverns Road, most recently served as an office.

Mayor Handren closed the Public Hearing at 6:49 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN TO APPROVE ON FIRST READING ORDINANCE NO. 2020-31; 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 5.01 ACRES LOCATED AT 30 CASCADE CAVERNS ROAD (KAD NO. 25666) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO O, OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. 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:

6. RESOLUTIONS:

A. CONSIDER RESOLUTION NO. 2020-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A TASER 7 AGREEMENT BETWEEN THE CITY OF BOERNE AND AXON ENTERPRISE, INC. FOR THE PURCHASE OF TASERS FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$131,031.90. (5-year contract)

Mayor Handren called on Police Chief Kohler. Chief Kohler stated that the current budget includes the purchase of new tasers for the Police Department. He introduced Officer Schmidt who has completed the research on various types of tasers, to present his findings. Officer Schmidt stated that the Boerne Police Department has been using tasers since 2010. They have a shelf life of five years. The department currently has a total of 41 devices. He provided a comparison of X-26P and the new Taser 7 models. It is staff recommendation to enter into an agreement with Axon.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2020-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A TASER 7 AGREEMENT BETWEEN THE CITY OF BOERNE AND AXON ENTERPRISE, INC. FOR THE PURCHASE OF TASERS FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$131,031.90. (5-YEAR CONTRACT). 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-R106; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND WATCHGUARD INC. FOR NEW BODY CAMERA AND IN-CAR SYSTEMS FOR PATROL OFFICERS AND VEHICLES FOR AN AMOUNT NOT TO EXCEED \$400,000.00. (5-year contract)

Chief Kohler continued with the purchase of body cams for the Police Department. Lt. Lackey provided the history of the police departments use of body cameras and in car cameras. It is staff's recommendation to enter into an agreement with Watchguard for both body camera and in car cameras.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2020-R106; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND WATCHGUARD INC. FOR NEW BODY CAMERA AND IN-CAR SYSTEMS FOR PATROL OFFICERS AND VEHICLES FOR AN AMOUNT NOT TO EXCEED \$400,000.00. (5-YEAR CONTRACT). 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. CONSIDER RESOLUTION NO. 2020-R107; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO

ENTER INTO AND MANAGE A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF BOERNE AND FROST BANK TO PROVIDE FINANCING FOR THE PURCHASE OF NEW BODY CAMERA AND IN-CAR SYSTEMS FOR PATROL OFFICERS AND VEHICLES FOR AN AMOUNT NOT TO EXCEED \$378,520.00. (Lease for the purchase of body camera and in-car systems from WatchGuard)

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated that staff is recommending a lease/purchase agreement with Frost Leasing for the Watchguard purchase. Frost provided a better rate for lease for the Watchguard product than the Watchguard program.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2020-R107; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF BOERNE AND FROST BANK TO PROVIDE FINANCING FOR THE PURCHASE OF NEW BODY CAMERA AND IN-CAR SYSTEMS FOR PATROL OFFICERS AND VEHICLES FOR AN AMOUNT NOT TO EXCEED \$378,520.00. (LEASE FOR THE PURCHASE OF BODY CAMERA AND IN-CAR SYSTEMS FROM WATCHGUARD). 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:

B. DISCUSSION REGARDING THE BLANCO ROAD IMPROVEMENTS/ RECONFIGURATION.

Mayor Handren called on Mr. Jeff Carroll, Development Services Director. Mr. Carroll provided an update on the Blanco Road Committee findings. TxDOT says a signal is not warranted at the intersection of Blanco Road and Plant Street, however a pedestrian signal is warranted at No. 9. TxDOT is requesting a traffic count in the spring. Discussion ensued regarding modifying the lanes at the intersections, MPO funding, creating a center refuge point for pedestrians, number of vehicle accidents on Blanco Road, and consider including Adler Road with an upgrade.

C. DISCUSSION REGARDING UNIFIED DEVELOPMENT CODE CHANGES TO THE ZONING MAP AND OVERLAY DISTRICTS.

Ms. Talley stated that a draft zoning map was put online Friday, Dec 4. Staff has addressed a few comments that were received. Staff is working with a consultant to make the map interactive. Ms. Carissa Cox of Mosaic reviewed the timeline, public outreach, and preparing for the new UDC. Ms. Cox discussed new residential and non-residential categories.

8. CITY MANAGER'S REPORT:

A. CITY PUBLIC WI-FI OFFERINGS (Zincke)

Community Services Director Danny Zincke stated that a map of the city limits where public wi-fi is available will be in the new Parks Guidebook. He discussed the maximum radius of the wi-fi and the hours per day limit. An interactive map will be on the city's website.

B. RECOGNITION OF EMPLOYEE SERVICE AWARDS (Thatcher)

City Manager Ben Thatcher stated that because of the pandemic, the annual Employee Service Awards Luncheon was canceled. In place of the one event, lunch was provided to individual departments with Service Awards presented to those employees with 5, 10, 15, 20 years of service in the department.

C. COMMUNICATIONS OFFICE RECOGNITION (Thatcher)

City Manager Ben Thatcher announced that Communications Manager Chris Shadrock received the Edward R. Murrow award.

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

Council Member Wolosin expressed appreciation to city staff regarding quick repairs to Plant Street and Blanco Road when water was bubbling out of the

pavement.

Mayor Handren expressed appreciation for getting through a difficult year.

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

Mayor Handren convened the City Council into Executive Session at 8:31 p.m.

A. SECTION 551.074 - PERSONNEL MATTERS: CITY ATTORNEY'S ANNUAL EVALUATION.

Discussion began at 8:35 p.m.

No action was taken.

B. SECTION 551.074 - PERSONNEL MATTERS: RELATED TO THE CITY MANAGER'S EVALUATION.

Discussion began at 9:07 p.m.

No action was taken.

11. 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 9:20 p.m.

No action was taken.

12. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 9:20 p.m.

Approved:

Mayor

Attest:

City Secretary