

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
August 24, 2021 – 6:00 PM

Minutes of the Regular Called City Council meeting of August 24, 2021.

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

Absent: 1 - Mayor Tim Handren

Staff Present: Ben Thatcher, Siria Arreola, Jeff Carroll, Lori Carroll, Laura
Haning, Sandy Mattick, Nick Montagno, Barbara Quirk, Mike Raute, Chris
Shadrock, Kelly Skovbjerg, and Danny Zincke.

Recognized/Registered Guests: Josh Valenta

1. CALL TO ORDER – 6:00 PM

Mayor Pro Tem Wolosin called the meeting to order at 6:00 p.m.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

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

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

Absent: 1 - Mayor Handren

A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF AUGUST 10, 2021.

MINUTES WERE APPROVED.

B. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR SEPTEMBER 14, 2021:

I. PROPOSED REZONING OF 0.794 ACRES LOCATED AT 32884 INTERSTATE HIGHWAY 10 WEST (KAD 26872) FROM I-2, LIGHT INDUSTRIAL, TO C-4, REGIONAL COMMERCIAL DISTRICT. (6A Properties, LP/ Aaron A. Arnold)

RECOMMENDATION APPROVED AND PUBLIC HEARING SET

C. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR SEPTEMBER 14, 2021:

I. PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697) (Jay Parker/ Trophy Properties).

RECOMMENDATION APPROVED AND PUBLIC HEARING SET

D. CONSIDER RESOLUTION NO. 2021-R37; 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 SERVICES.

THE RESOLUTION WAS APPROVED.

- E. CONSIDER RESOLUTION NO. 2021-R38; A RESOLUTION RESCINDING RESOLUTION NO. 2018-R28 AND ESTABLISHING THE NUMBER OF TERMS, RESIDENCY REQUIREMENTS, AND ATTENDANCE OF THE VARIOUS BOARDS, COMMITTEES AND COMMISSIONS WHERE THE MAYOR AND CITY COUNCIL OF THE CITY OF BOERNE, TEXAS APPOINT THE MEMBERS, AND THE VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS ARE ESTABLISHED BY STATE LAW, CITY ORDINANCE, AND BY LAWS OF OTHER ENTITIES. (Add Design Review Committee and make all changes incorporated by UDC)**

THE RESOLUTION WAS APPROVED.

REGULAR AGENDA**5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:**

- A. CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-26; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)**

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2021-26; 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 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

- B. CONSIDER ORDINANCE NO. 2021-26; AN ORDINANCE AMENDING ORDINANCE NO. 2020-21, CAPTIONED "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"; AND AUTHORIZING THE CITY MANAGER TO TRANSFER**

PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. (Amend budget)

Mayor Pro Tem Wolosin called on Ms. Sandy Mattick, Finance Director. Ms. Mattick provided an explanation of the proposed budget amendments.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE ORDINANCE NO. 2021-26; AN ORDINANCE AMENDING ORDINANCE NO. 2020-21, CAPTIONED "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"; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. (AMEND BUDGET). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

C. PROPOSED ADOPTION OF THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR 2021-2022.

I. PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-27; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR 2021-2022, BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR.

Ms. Mattick continued with a summary of the proposed budget. She reviewed the budget process and the budget calendar. Ms. Mattick stated that the proposed tax rate will remain at \$0.472.

Mayor Pro Tem Wolosin opened the Public Hearing at 6:13 p.m.

No comments were received.

Mayor Pro Tem Wolosin closed the Public Hearing at 6:13 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY COUNCIL MEMBER MACALUSO TO APPROVE ON FIRST READING ORDINANCE NO. 2021-27; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR 2021-2022, BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Mayor Handren

D. CONSIDER ON FIRST READING ORDINANCE NO. 2021-28; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2, ADMINISTRATION, ARTICLE V. ETHICS, SECTION 2.121. DEFINITIONS, ADDING THE DESIGN REVIEW COMMITTEE TO THE DEFINITION OF "CITY OFFICIAL".

Mayor Pro Tem Wolosin called on Ms. Lori Carroll, City Secretary. Ms. Carroll explained that with the approval of the Unified Development Code (UDC), the Design Review Committee was formed. The UDC states that the committee is subject to the Ethics Ordinance, therefore must be added to section 2.121 of the ordinance.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER MACALUSO, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2021-28; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2, ADMINISTRATION, ARTICLE V. ETHICS, SECTION 2.121. DEFINITIONS, ADDING THE DESIGN REVIEW COMMITTEE TO THE DEFINITION OF "CITY OFFICIAL". THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. RESOLUTIONS:

- A. CONSIDER RESOLUTION NO. 2021-R39; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 6 NORTH STAR ROAD AND ADJOINING RIGHT-OF-WAY ON NORTH STAR ROAD BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING; AND CONSIDER APPROVAL OF A MUNICIPAL SERVICE PLAN AGREEMENT. (At the request of property owner, 2.967 acres located at 6 North Star, KAD No. 24324 and 0.651 of right-of-way on North Star Road)**

Mayor Pro Tem Wolosin called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning displayed a map of the location of the property under consideration. At this time, City Council is asked to accept the annexation request and set the date of the required public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2021-R39; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 6 NORTH STAR ROAD AND ADJOINING RIGHT-OF-WAY ON NORTH STAR ROAD BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING; AND CONSIDER APPROVAL OF A MUNICIPAL SERVICE PLAN AGREEMENT. (AT THE REQUEST OF PROPERTY OWNER, 2.967 ACRES LOCATED AT 6 NORTH STAR, KAD NO. 24324 AND 0.651 OF RIGHT-OF-WAY ON NORTH STAR ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. RECEIVE BIDS FOR THE BENTWOOD SIDEWALK PROJECT AND CONSIDER RESOLUTION NO. 2021-R40; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR BENTWOOD SIDEWALK PROJECT TO _____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. (Bentwood, Rosewood, Oak Park/Frey/East Bandera, and City Park Road sidewalks)

Mayor Pro Tem Wolosin called on Mr. Jeff Carroll, Development Services Director. Mr. Carroll displayed a map of the location of the proposed sidewalk project. He stated that four bids were received. The apparent low bidder is not as experienced in utility relocation as staff would like. It was staff's recommendation that Lone Star Site Work, LLC be awarded the contract.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO RECEIVE BIDS FOR THE BENTWOOD SIDEWALK PROJECT, REJECTING THE BID FROM C3 ENVIRONMENTAL AND APPROVE RESOLUTION NO. 2021-R40; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR BENTWOOD SIDEWALK PROJECT TO LONE STAR SITEWORK, LLC; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. (BENTWOOD, ROSEWOOD, OAK PARK/FREY/EAST BANDERA, AND CITY PARK ROAD SIDEWALKS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. OTHER ITEMS:

A. PRESENTATION ON BOERNE OPEN NEIGHBORHOOD DISCUSSION (BOND) MEETINGS.

Mayor Pro Tem Wolosin called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning provided information on where to find information on the Boerne Open Neighborhood Discussion (BOND) on the City's website; Community page and the Planning page. Meetings are scheduled for the 3rd Tuesday of each month. Discussion ensued regarding the process for the developer and importance of public input.

8. CITY MANAGER'S REPORT:

A. MONTHLY PROJECTS UPDATE.

Mayor Pro Tem Wolosin called on City Manager Ben Thatcher. Mr. Thatcher announced that the Alamo Area Metropolitan Planning Organization approved the Cascade Caverns project. It is unknown when the project will begin.

The City received the first allocation of Stimulus Funds today.

AACOG is hosting community resource fair at the library.

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

Council Member Woolard expressed appreciation to Development Services Jeff Carroll and City Manager Ben Thatcher for their participation on Bentwood repaving project, coordinating with emergency services and the school district. She also applauded the area residents for communication during the project.

Mayor Pro Tem Wolosin stated that State Representative Biedermann and Senator Campbell are having a Q&A meeting for the community at Tusculum Brewing Company tomorrow August 25, 2021 from 6:00 p.m. to 8:00 p.m. Mayor Pro Tem Wolosin also stated that COVID vaccination data proves that vaccinations keep you out of hospital. He encourages everyone to get vaccinated.

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

Mayor Pro Tem Wolosin convened the City Council into Executive Session at 6:48 p.m.

A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS, DISCUSSION ON SOUTHGLEN SUBDIVISION.

No action was taken.

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

Mayor Pro Tem Wolosin reconvened the City Council into Open Session at 7:37 p.m.

No action was taken.

12. ADJOURNMENT

Mayor Pro Tem Wolosin adjourned the City Council at 7:37 p.m.

Approved:

Mayor

Attest:

City Secretary