

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
September 28, 2021 – 6:00 PM

Minutes of the Regular Called City Council meeting of September 28, 2021.

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

Staff Present: Ben Thatcher, Val Anderson, Siria Arreola, Tori Bellos, Jeff Carroll, Lori Carroll, Laura Haning, Nick Montagno, Barbara Quirk, Mike Raute, Chris Shadrock, Kristy Stark, Jeanette Teague, Larry Woods, Mary Woods, and Danny Zincke.

Recognized/Registered Guests: Christina Ryrholm, Zachary Wright, Keira Luevano, Jamye Bunker, Ben Buncker, Duane Westerman, and Stephanie Liebe.

1. CALL TO ORDER – 6:00 PM

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. BOERNE HIGH SCHOOL STUDENT RECOGNITION.

Mayor Handren recognized the 10th grade English class from Boerne High School in regards to an exercise that was given to the students to write a letter to Mayor. Mayor Handren recognized Keira Luevano for her writing skills, her maturity, and the research she did in her letter addressing sidewalks in Boerne. He read the letter aloud to the council members and the audience.

4. PUBLIC COMMENTS:

No comments were received.

5. CONSENT AGENDA:

Council Member Macaluso commented on Consent Agenda item B. that Staff should work with the landowners on landscaping and on Consent Agenda E. that Council is asked to consider something that happened 20 years ago. Are we currently looking that far in the future when making decisions? Mayor Handren clarified that the comments are rhetorical and no discussion is necessary.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, 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

- A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF SEPTEMBER 14, 2021.**
- B. CONSIDER ON SECOND READING OF ORDINANCE NO. 2021-29; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, REZONING 0.794 ACRES LOCATED AT 32884 INTERSTATE HIGHWAY 10 WEST (KAD NO. 26872) FROM I-2, LIGHT INDUSTRIAL, TO C-4, REGIONAL COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Rezoning 0.794 acres - 32884 IH-10 from I-2 to C-4 at the request of property owners)**
- C. CONSIDER ON SECOND READING OF ORDINANCE NO. 2021-30; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING**

CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT TO 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); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (applying a PUD to 1.27 acres - between 115 Stahl and 400 Rosewood)

- D. CONSIDER ON SECOND READING ORDINANCE NO. 2021-31; 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. (Annexing 2.967 acres located at 6 North Star Road KAD 24324 and 0.651 acre of right of way on North Star Road at the request of property owner)
- E. CONSIDER RESOLUTION NO. 2021-R43; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CONVEYING PROPERTY TO ALBANY INTERNATIONAL CORPORATION PREVIOUSLY LEASED FROM THE CITY OF BOERNE BY TEXAS COMPOSITES, INC. FOR LOT 1, PFEIFFER HERITAGE SUBDIVISION, IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 3, PAGE 128, PLAT RECORDS OF KENDALL COUNTY, TEXAS. (Convey property to Albany)

REGULAR AGENDA

6. OTHER ITEMS:

- A. DISCUSSION OF 2022 CITY OF BOERNE ROLLING TEN YEAR PLAN.

Mayor Handren called on Mr. Nick Montagno, Assistant to the City Manager.

Mr. Montagno stated after much discussion during meetings with the City Council, the objective of the Rolling Ten Year Plan is to consolidate and summarize all major strategic documents into one comprehensive resource for the community. Mr. Montagno asked that the City Council Members provide comments and sponsorship recommendations to him by October 7, 2021 so the Plan may be considered at the October 12, 2021 Council meeting.

7. CITY MANAGER'S REPORT:

A. RECOGNITION OF LARRY WOODS FOR RECEIVING THE "2021 LIFETIME ACHIEVEMENT AWARD" FROM THE TEXAS TRAVEL ALLIANCE.

Mayor Handren called on City Manager Ben Thatcher.

Mr. Thatcher recognized Mr. Larry Woods, Convention and Visitors Bureau (CVB) Director who received the 2021 Lifetime Achievement Award from Texas Travel Alliance. A short video was played acknowledging Mr. Woods past work experience. Mr. Woods expressed appreciation to the City Council and his staff at the CVB.

B. TRANSPORTATION COMMITTEE UPDATE.

Mr. Thatcher asked Development Services Director Jeff Carroll to provide an update on the Transportation Committee. Mr. Carroll stated that the committee was established in July 2019. The meetings paused for a few months during the pandemic. There have been 13 meetings since resuming. Co-Chair Don Durden expects that there will be three or four more meetings in order to review the various projects. Minutes have been taken at the meetings and most of the meetings were recorded on Youtube. The meetings are held every other Tuesday and are open to the public. It is expected that a final report will be presented by the end of the year. Discussion ensued regarding funding, creating relief routes, reviewing the Gateway Study, past projects that were identified years ago but didn't move forward, taking steps to defeat the negative narratives in social media, and the need to study not only roads but drainage challenges as well.

C. MONTHLY PROJECTS UPDATE.

City Manager Thatcher provided an update on various projects. He stated that this is the last report for the fiscal year. The next presentation will include new projects.

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

Council Member Macaluso mentioned that the Texas Native Plant Society has a Maple Tree adoption program. He complimented the leadership of the Society for the good work they do.

Council Member Boddie stated that Thursday, September 30, 2021 at 5:00 p.m. the Noise Committee will have an open house at the Patrick Heath Public Library. The results from the survey will be discussed and there will be an opportunity for public input.

Mayor Pro Tem Wolosin stated that he was invited to visit with a cub scout group, providing information on what it means to be a council member. He encouraged the scouts to keep engaged as they get older.

Mayor Handren stated on Saturday there was a ribbon cutting at the Nest. Thursday, he will give a presentation on conservation for the Hill Country Alliance. It will be broadcast on the city's website. The meeting will be in Dripping Springs.

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

Mayor Handren convened the City Council into Executive Session at 7:00 p.m.

A. SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.

No action was taken.

- B. SECTION 551.071 - CONSULTATION WITH ATTORNEY REGARDING CREATION OF THE RANCHES OF CREEKSIDE PUBLIC IMPROVEMENT DISTRICT.**

No action was taken.

- C. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH CHUCKSON, LTD.**

No action was taken.

- D. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH DSL HOLDINGS, LLC.**

No action was taken.

- E. SECTION 551.074 - PERSONNEL MATTERS: CITY MANAGER'S ANNUAL EVALUATION AND POTENTIAL AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT.**

No action was taken.

- 10. 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 8:15 p.m.

- A. CONSIDER RESOLUTION NO. 2021-R44; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE AND CHUCKSON, LTD.**

Assistant to the City Manager Nick Montagno stated that the incentive agreement is for the expansion of a current facility in the Industrial Park.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2021-R44; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE AND CHUCKSON, LTD. 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 RESOLUTION NO. 2021-R45; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE AND DSL HOLDINGS, LLC.

Mr. Montagno continued explaining the incentive agreement is for a proposed medical use in the SOBO area which will be moving their business from McAllen, Texas.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R45; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE AND DSL HOLDINGS, LLC. 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. CONSIDER RESOLUTION NO. 2021-R46; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE CITY MANAGER'S PROFESSIONAL SERVICES AGREEMENT.

Mayor Handren stated that changes to the agreement include the statement that the City Manager will always abide by the code ethics as governed by the Texas City Managers Association, the evaluation will be completed annually

between September and December, and changing the terms of pay.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2021-R46; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE CITY MANAGER'S PROFESSIONAL SERVICES AGREEMENT. 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

11. ADJOURNMENT

Mayor Handren expressed appreciation to the City Council for great commentary on the agenda items considered.

Mayor Handren adjourned the City Council at 8:19 p.m.

Approved:

Mayor

Attest:

City Secretary