

MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
May 14, 2019 – 5:00 p.m.

Mayor Schultz called the Special Called City Council meeting to order at 5:00 p.m.

Present: Mayor Michael Schultz, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, and Council Member Tim Handren.

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Pam Bransford, Lori Carroll, Nick Colonna, Lissette Jimenez, Jim Kohler, Lyle Mattick, Antony Moy, Mike Raute, Garrett Robertson, Molly Solis, Laura Talley, Jeff Thompson, Larry Woods, Mary Woods, Linda Zartler, and Danny Zincke.

Recognized/Registered Guests: Bob Imler, Mike Luckey, Denise Dever, William Dever, Randy Schmidt, Tommy Mathews, Charlie Lunsford, Lisa Cronen, Kristina Becker, Carol Schultz, Ed Phillips, Carlin Friar, Susan Friar, Anne Handren, Jason Kirkpatrick, Megan Kirkpatrick, and John Woolard.

1. CALL TO ORDER – 5:00 PM

Mayor Schultz called the City Council meeting to order at 5:00 p.m.

2. [2019-371](#) RECEIVE ELECTION RETURNS FROM THE PRESIDING JUDGES OF THE VOTING BALLOT BOARD AND EARLY VOTING BALLOT BOARD.

Mayor Schultz called on Ms. Lori Carroll, City Secretary to present the election returns from the presiding judges of the Voting Ballot Board and Early Voting Ballot Board. Ms. Carroll handed Mayor Schultz an envelope with the official Election results. Ms. Carroll stated that the candidates of the General Election, Tim Handren, Mayor; Nina Woolard, District 2 Council Member, and Brian Fowler, District 4 Council Member ran unopposed. In the Special Election for District 3, Quinten Scott received 106 votes and Daniel Weis received 68 votes.

In District 5. Bradley Smith had 87 votes and Joseph Macaluso received 158 votes. Staff recommended that the City Council receive and approve the election returns as presented.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE AND APPROVE THE ELECTION RETURNS FROM THE PRESIDING JUDGES OF THE VOTING BALLOT BOARD AND EARLY VOTING BALLOT BOARD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 3 - COUNCIL MEMBER WOLOSIN, MAYOR PRO TEM WOOLARD, AND COUNCIL MEMBER HANDREN

3. [2019-370](#) **CONSIDER RESOLUTION NO. 2019-R39; A RESOLUTION CERTIFYING THE CANVASS OF ELECTION RETURNS OF THE MAY 4, 2019 GENERAL AND SPECIAL ELECTIONS, AND DECLARING SAID MAYOR AND DISTRICT 2, 3, 4, AND 5 COUNCIL MEMBERS DULY ELECTED.**

Ms. Carroll continued with a review of the information provided in the Resolution certifying the canvass of the election. Ms. Carroll stated that the Ballot Board met Monday, May 13, 2019 to certify the results. Resolution No. 2019-R37 includes a breakdown of the votes, resolving that Tim Handren was duly elected Mayor and Nina Woolard, Quinten Scott, Brian Fowler, and Joseph Macaluso were duly elected as Council Members. Staff recommended approval of Resolution No. 2019-R37.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE RESOLUTION NO. 2019-R39; A RESOLUTION CERTIFYING THE CANVASS OF ELECTION RETURNS OF THE MAY 4, 2019 GENERAL AND SPECIAL ELECTIONS, AND DECLARING SAID MAYOR AND DISTRICT 2, 3, 4, AND 5 COUNCIL MEMBERS DULY ELECTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 3 - COUNCIL MEMBER WOLOSIN, MAYOR PRO TEM WOOLARD, AND COUNCIL MEMBER HANDREN.

4. [2019-375](#) **ADMINISTER OATHS OF OFFICE.**

Ms. Carroll continued with the administering the Oaths of Office to Tim Handren, Mayor; Nina Woolard, Council Member District 2; Quinten Scott, Council Member District 3; Brian Fowler, Council Member District 4; and Joseph Macaluso, Council Member District 5.

Present: Mayor Tim Handren, Council Member Ty Wolosin, Council Member Nina Woolard, Council Member Quinten Scott, Council Member Brian Fowler, and Council Member Joseph Macaluso.

5. [2019-378](#) RECOGNITION OF MIKE SCHULTZ FOR HIS 8 YEARS OF SERVICE AS MAYOR FOR THE CITY OF BOERNE.

Mayor Handren recognized Mike Schultz for his eight years of service as Mayor for the City of Boerne and expressed his appreciation to him and Mrs. Schultz for their commitment. City Manager Ron Bowman presented a thank you gift and informed him a bench would be placed at the new City Hall property commemorating his years of service to our community.

6. [2019-377](#) CONSIDER THE ELECTION OF THE OFFICE OF MAYOR PRO TEM FOR THE TERM OF MAY 2019 TO MAY 2020.

Mayor Handren stated that the Mayor Pro Tem position is an important position and a requirement of the City Charter. The Mayor Pro Tem shall act as Mayor in the absence or disability of the Mayor.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER FOWLER, TO NOMINATE NINA WOOLARD TO THE OFFICE OF MAYOR PRO TEM FOR THE TERM OF MAY 2019 TO MAY 2020. 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

7. [2019-380](#) CONSIDER RESOLUTION NO. 2019-R40; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING

THE CITY MANAGER TO UNDERTAKE EFFORTS TO SUPPORT THE U.S. CENSUS 2020.

Mayor Handren called on Ms. Linda Zartler, Assistant City Manager to discuss the U.S. Census 2020. Ms. Zartler stated that the U.S. Census Bureau contacted the City of Boerne asking that we support and assist with conducting an accurate and complete count of the citizens of Boerne. To participate, the citizens of Boerne have options to respond either by internet, phone or paper form. If they wish to respond by paper form, the citizens will need to contact the Census Bureau and have the form mailed to them. The Census Bureau also asked that the City promote the positions they have available for full time and part time personnel in a variety of positions, through July 2020. The City's Communication Department will undertake a campaign that promotes the Census beginning in May until the completion of the count in June 2020. Ms. Zartler stated that a communication plan will be provided to the City Council in the near future. Discussion ensued regarding using the utility bills to promote the Census.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2019-R40; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO UNDERTAKE EFFORTS TO SUPPORT THE U.S. CENSUS 2020. 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. [2019-379](#) DISCUSSION ON CITY COUNCIL RETREAT; SETTING A DATE AND TIME.

Mayor Handren stated it was his wish to have a City Council Retreat for two to three hours to discuss issues such as Open Meetings Act, Conflicts of Interest, and operating as a Council. It was the consensus of the Council Members to meet on Saturday, May 25 from 9:00am to noon.

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

Mayor Handren convened the City Council into Executive Session at 5:29 p.m.

Mayor Pro Tem Woolard left the meeting at 5:29 p.m.

**9.A. [2019-373](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND
SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATION. (WCID No. 3)**

No action was taken.

**9.B. [2019-329](#) SECTION 551.087: DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATION.**

Due to lack of time, this item was not discussed.

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 6:00 p.m.

No action was taken.

11. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY
COUNCIL MEMBER WOLOSIN, TO ADJOURN THE SPECIAL CALLED MEETING AT
6:00 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Council Member Scott, Council
Member Fowler, and Council Member Macaluso

Absent: 1 - Mayor Pro Tem Woolard

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
May 14, 2019 – 6:00 PM

Minutes of the Regular Called City Council meeting of May 14, 2019 at 6:00 p.m.

Present: Mayor Tim Handren, Council Member Ty Wolosin, Council Member Quinten Scott, Council Member Brian Fowler, and Council Member Joseph Macaluso.

Absent: Mayor Pro Tem Nina Woolard

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Pam Bransford, Lori Carroll, Nick Colonna, Lissette Jimenez, Jim Kohler, Lyle Mattick, Antony Moy, Mike Raute, Garrett Robertson, Molly Solis, Laura Talley, Jeff Thompson, Larry Woods, Mary Woods, Linda Zartler, and Danny Zincke.

Recognized/Registered Guests: Bob Imler, Mike Luckey, Denise Dever, William Dever, Randy Schmidt, Tommy Mathews, Charlie Lunsford, Lisa Cronen, Kristina Becker, Carol Schultz, Ed Phillips, Carlin Friar, Susan Friar, Anne Handren, Jason Kirkpatrick, Megan Kirkpatrick, Bob Manning, Sandy Scott, Joel Luper, Milan Michalec, Ben Eldredge, Susan and Skipper Nelson, Bradley Smith and Joi Sander.

1. CALL TO ORDER – 6:00 PM

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

Mayor Handren asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Mike Luckey, 110 Walters Road stated he was a resident of the City's ETJ and also owned property within the City limits. Mr. Luckey spoke on the potential properties to be annexed. He expressed concerns with "forced annexation".

Denise Dever, 53 Silent Spring expressed appreciation and congratulations to the new Council Members for their service. Ms. Dever spoke on mobility concerns and urged the Council Members to attend the public meeting which Kendall County Commissioner Don Durden will have on May 28, 2019.

4. CONSENT AGENDA:

4.A. [2019-340](#) CONSIDER THE MINUTES FROM THE SPECIAL CALLED CITY COUNCIL MEETING OF APRIL 16, 2019 AND THE REGULAR CALLED CITY COUNCIL MEETING OF APRIL 23, 2019.

THE MINUTES WERE APPROVED.

4.B. [2019-372](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-14; AN ORDINANCE AMENDING ORDINANCE NO. 2003-02, CAPTIONED "CITY OF BOERNE SOLID WASTE COLLECTION AND DISPOSAL FRANCHISE AGREEMENT", DATED JANUARY 28, 2003, AND ENACTING A SECOND AMENDED CITY OF BOERNE SOLID WASTE COLLECTION AND DISPOSAL FRANCHISE AGREEMENT, ESTABLISHING THE RATES TO BE CHARGED FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION AND DISPOSAL; AND PROVIDING THE TERMS AND CONDITIONS OF THE AGREEMENT."

THE ORDINANCE WAS APPROVED.

4.C. [2019-343](#) CONSIDER RESOLUTION NO. 2019-R41; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE

AN AGREEMENT FOR BUILDING SYSTEMS COMMISSIONING SERVICES BETWEEN THE CITY OF BOERNE AND CLEARLY ZIMMERMANN ENGINEERS, LLC FOR THE NEW CITY HALL PROJECT.

THE RESOLUTION WAS APPROVED.

4.D. [2019-342](#) CONSIDER RESOLUTION NO. 2019-R42; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR BUILDING ENVELOPE CONSULTING SERVICES BETWEEN THE CITY OF BOERNE AND RABA KISTNER CONSULTING, INC. FOR CONSTRUCTION OBSERVATION SERVICES AND TESTING OF THE NEW CITY HALL BUILDING.

THE RESOLUTION WAS APPROVED.

4.E. [2019-365](#) CONSIDER RESOLUTION NO. 2019-R43; 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 Utility materials for Legacy at Cibolo)

THE RESOLUTION WAS APPROVED.

4.F. [2019-366](#) CONSIDER RESOLUTION NO. 2019-R44; 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 Utility materials for Cottages at Oak Park)

THE RESOLUTION WAS APPROVED.

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

YEAH: 4 - COUNCIL MEMBER WOLOSIN, COUNCIL MEMBER SCOTT, COUNCIL MEMBER FOWLER, AND COUNCIL MEMBER MACALUSO.

ABSENT: 1 - MAYOR PRO TEM WOOLARD.

5. [2019-369](#) CONSIDER RESOLUTION NO. 2019-R45; A RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR REINSTALLATION OF BIOLOGICAL NUTRIENT REACTORS AND WASTE ACTIVATED SLUDGE PIPING IMPROVEMENTS. (Old San Antonio Road Wastewater Treatment and Recycling Center)

Mayor Handren called on Mr. Mike Mann, Utilities Director. Mr. Mann explained that the Wastewater Treatment and Recycling Center has some maintenance and operational issues. During the construction of the plant in 2013, no piping interconnections were installed at the bottom of the clarifiers to save initial construction costs, however the design included accommodations to add the connection at a later date if desired. Also recently, damage occurred to a motorized mixer mount on the anaerobic zone of the Biological Nutrient Reactor Basin (BNR). The estimated construction cost for the sludge piping installation is \$55,000 and the estimated cost for the BNR mixer mount modifications is \$70,000. Because the construction of both is at the same site and requires similar contractor capabilities, Staff feels it would be best to bid both tasks under a single project. The bidding process requires preparation of detailed construction documents by an engineer. We have negotiated with HDR Engineering, a scope and fee for the design work and the total price for their design, bidding and construction phase services is \$27,700.00. Staff recommended that the City Council authorize the City Manager to proceed with the design work by HDR. After the bidding is complete, Staff will recommend award to the appropriate contractor. Discussion ensued regarding whether there are funds to cover unpredicted events.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2019-R45; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR REINSTALLATION OF BIOLOGICAL NUTRIENT REACTOR MIXERS AND WASTE ACTIVATED SLUDGE PIPING IMPROVEMENTS. (OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Council Member Scott, Council Member Fowler, and Council Member Macaluso

Absent: 1 - Mayor Pro Tem Woolard

6. [2019-367](#) **CONSIDER RESOLUTION NO. 2019-R46; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR LAND SURVEYING SERVICES FOR CURRENT PROPOSED ANNEXATIONS, IN AN AMOUNT NOT TO EXCEED \$120,000.00.**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director to discuss the proposed agreement for property surveys necessary for the annexations. Ms. Talley explained that the properties with the option for a non-annexation agreement will also need to be surveyed. The surveyor has assured staff that they are able to complete all the surveys in the allotted time as they are working from deed records. She reminded the Council Members that we have a 90 day time period to complete the annexation process. Discussion ensued regarding the cost to annex the properties and the cost to the City if the properties were not annexed.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2019-R46; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR LAND SURVEYING SERVICES FOR CURRENT PROPOSED ANNEXATIONS, IN AN AMOUNT NOT TO EXCEED \$120,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Wolosin, Council Member Fowler, and Council Member Macaluso

Nay: 1 - Council Member Scott

Absent: 1 - Mayor Pro Tem Woolard

7. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 11, 2019:

7.A. [2019-368](#) PROPOSED REZONING OF 134 OAK PARK DRIVE (0.428 ACRES, KAD NO. 21630) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO B-1, HIGH DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (Robert S. Thornton)

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE THE PLANNING AND ZONING COMMISSION RECOMMENDATION AND AND SET THE PUBLIC HEARING FOR JUNE 11, 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Council Member Scott, Council Member Fowler, and Council Member Macaluso

Absent: 1 - Mayor Pro Tem Woolard

8. [2019-376](#) LEGISLATIVE UPDATE ON THE 86TH LEGISLATIVE SESSION.

Mayor Handren called on Ms. Molly Solis, City Attorney. Ms. Solis distributed a list of 35 bills affecting cities. She reviewed the status of the bills. She stated that for the most part, the House has voted and the bills have moved forward to the Senate. The information is available online at Texas Legislature Online. Ms. Solis will send an email update to the Council Members as the bills pass.

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

Communications Director Pam Bransford stated that the official City Council photo will be taken on May 28, 2019 before the City Council Meeting at 5:30 p.m. She asked that the new City Council Members email the City Secretary their biography to be put on the City's website.

Utilities Director Mike Mann and Community Services Director Danny Zincke discussed the progress on various sidewalk projects and the status of the right turn lane on to Herff Road from Old San Antonio Road.

Mayor Handren stated that the City of Boerne has been a member of Alamo Area Council of Governments (AACOG) for the past eight years. The City of Boerne is part of a group of six area cities. Those six cities unanimously voted to have the City of Boerne represent the group. Mayor Handren has appointed Mayor Pro Tem Woolard to keep her position as alternate.

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)

Mayor Handren convened the City Council into Executive Session at 6:50 p.m. to continue the earlier discussion of Section 551.071: Consultation with Attorney and Section 551.087: Deliberation regarding economic development negotiations.

No action was taken.

Mayor Handren reconvened the City Council into Open Session at 7:36 p.m.

No action was taken.

11. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO ADJOURN THE CITY COUNCIL MEETING A 7:37 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Wolosin, Council Member Scott, Council Member Fowler, and Council Member Macaluso

Absent: 1 - Mayor Pro Tem Woolard

Approved:

Mayor

Attest:

City Secretary