

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**124 Old San Antonio Road**  
**Boerne, TX 78006**  
**September 10, 2019 – 6:00 PM**

Minutes of the City Council Meeting of September 10, 2019 at 6:00 p.m.

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

**Staff Present:** Ron Bowman, Jesse Aguirre, Siria Arreola, Paul Barwick, Tori Bellos, Lori Carroll, Ray Hacker, Jim Kohler, Robert Lee, Mike Mann, Sandy Mattick, Mick McKamie, Doug Meckel, Nick Montagno, Jeff Page, Mike Raute, Angie Rios, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

**Recognized / Registered Guests:** Paul Giguere, Robert Imler, Jacob Fowler, Josh Cross, Sebastien Torres, Demetri Lord, Preston Majors, Jeanne Geiger, Rodney Yates, Sherri Yates, Deborah Allen, Ken Allen, Raven Putzier, Tom Kartrude, Mike Luckey, Phillip Bell, Ben Bunker, Baltazar Serna, Suly Welsh, Cooper Lindstrom, Daniel Herrera, Jim Hewitt, Jenny Heymann, Ross Partlow, Ben Eldredge, Isabela Ruiz, Mouna Al-Hakeem, Yara Akhrass, Nico Huarte, Perri Bryan, Hesten Wet, and Lucas Prado.

**1. CALL TO ORDER – 6:00 PM**

Mayor Handren called the City Council 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 to the Texas Flag.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

**3. PUBLIC COMMENTS:**

Tom Kartrude, 128 Lone Star spoke on Atlas 14. He recently relocated from Houston and experienced the damaging storms. He is glad the City is being proactive.

Phillip Bell, 230 English Oaks stated he was a member of the Table of Knowledge which meets at the Boerne Grill. He expressed his appreciation to the Mayor for presenting the proclamation to the Boerne Grill and understands the Mayor will be recognizing other businesses in the future.

Jeanne Heymann, 508 Frey Street stated she opposed the proposed property tax increase. She read an email that she sent the City Council Members on August 30, 2019. With property values increasing, she felt the increase would be irresponsible.

**4. CONSENT AGENDA:****4.A. [2019-909](#) CONSIDER THE MINUTES OF THE AUGUST 27, 2019 CITY COUNCIL MEETING.**

THE MINUTES WERE APPROVED.

**4.B. [2019-874](#) CONSIDER RESOLUTION NO. 2019-R137; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND FAIR OAKS RANCH FOR ANIMAL CONTROL SERVICES.**

THE RESOLUTION WAS APPROVED.

**4.C. [2019-879](#) CONSIDER RESOLUTION NO. 2019-R138; 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.**

THE RESOLUTION WAS APPROVED.

**4.D. [2019-880](#) CONSIDER RESOLUTION NO. 2019-R139; A RESOLUTION OF THE CITY OF BOERNE, TEXAS APPROVING THE CONTINUED RECEIPT OF A STATUTORY SHARE OF BINGO PRIZE FEES COLLECTED ON**

CHARITABLE BINGO ACTIVITY THAT OCCURS WITHIN THE CITY;  
AND DIRECTING THAT THE TEXAS LOTTERY COMMISSION SHALL  
BE PROMPTLY PROVIDED A TRUE AND CORRECT COPY OF THIS  
RESOLUTION UPON ADOPTION.

THE RESOLUTION WAS APPROVED.

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 Fowler, and Council Member Macaluso

**5. [2019-884](#) DISCUSSION AND PRESENTATION ON FUNCTIONS, RESPONSIBILITIES, AND FUNDING BY ALAMO AREA METROPOLITAN PLANNING ORGANIZATION.**

Mayor Handren introduced Ms. Jeanne Geiger of the Alamo Area Metropolitan Planning Organization (MPO). Ms. Geiger stated that the transportation planning agency was created by the federal law and there are approximately 400 MPO's across the country. She displayed a map of the MPO study area. She discussed the various committees, the policy board, and the staff organizational chart as well as the partner agencies. A map of the Mobility 2045 Planned Transportation Projects was displayed. She urged everyone to go online to [www.alamoareampo.org/imap/](http://www.alamoareampo.org/imap/) for information. Ms. Geiger mentioned the that Federal Government lowered the standards for air quality which caused non-attainment in Bexar County. Because of this, calls for projects will be delayed until October 1, 2020. She discussed the funding sources for the MPO, state and federal. She also displayed other activities of the MPO.

**6. PUBLIC HEARING – To Hear Comments On The Following:**

Mayor Handren opened the Public Hearing at 6:45 p.m.

**6.A. [2019-908](#) PROPOSED ANNEXATION OF 10.484 ACRES LOCATED AT 30-32 FM 1376, AT THE REQUEST OF SHERRI AND RODNEY YATES. (First of two hearings)**

Bob Imler, 215 West Bandera Road stated that he was in favor of the proposed annexation to protect public interest.

Rodney Yates, 30 Sisterdale Road stated that he moved to Boerne in 1966. He is the owner of the property being considered for annexation. The plan he is proposing for the property will be good for community. He is aware there are concerns with drainage and flooding. He has discussed this with the developer and they feel it is under control.

Mayor Handren closed the Public Hearing at 6:54 p.m.

**7. [2019-878](#) SEMI-ANNUAL STAFF PRESENTATION FROM THE BOERNE CONVENTION AND VISITORS BUREAU.**

Mayor Handren called on Mr. Larry Woods, Convention and Visitors Bureau (CVB) Director. He distributed the CVB's Strategic Marketing Plan, samples of blogs, and other material to the City Council Members. He reviewed the Mind Ecology research report, and provided examples of advertising on social media, print and digital advertising and the population it reaches. Mr. Woods discussed the statistics on hotel performance for the second quarter. Discussion ensued regarding revenues from other markets, the impact on the City since Berges Fest moved to their current location, and tracking how many people stay in Boerne after a major event.

**8. [2019-877](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-37; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2019-2020, BEGINNING OCTOBER 1, 2019 AND ENDING**

**SEPTEMBER 30, 2020.**

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated after the last City Council meeting, staff was able to find areas where money could be re-allocated for employee Cost of Living raises based on the City Council's direction. Discussion ensued regarding increasing property taxes by one cent. City Manager Ron Bowman reminded the City Council that the first draft of the budget did not include a tax increase. It was the City Council that asked what additional could be realized if the property tax was raised one cent. Ms. Mattick stated that the property tax rate has not been raised since 2012. Mayor Handren stated he researched and found that Boerne's rate would be median for the state of Texas with a one cent increase. Discussion ensued regarding hiring public safety employees and the need to be proactive in a growing community. It is the City Council's responsibility to make sure police and fire have the proper equipment. Discussion continued with appraisal values, sales tax revenues, and the new Stormwater Utility fee. City Manager Ron Bowman stated that the Budget is a team effort, not staff against the council. As the City grows, every department needs man power. Staff has never proposed a tax increase that the City Council didn't ask for. Staff will do what the majority of the Council wants. Assistant City Manager Linda Zartler commented on the COLA portion of the salary and benefit study presented by Katherine Ray of Ray Associates at the last City Council meeting. Discussion continued regarding taking money from reserves or from new taxes to fund the items which were designated if a one cent tax increase was approved.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER FOWLER, TO APPROVE ON SECOND READING ORDINANCE NO. 2019-37; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2019-2020, BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 TO FULLY FUND POSITIONS AND EQUIPMENT AND ELIMINATING THE \$189,000.00 FROM OTHER LINE ITEMS PRESENTED IN THE BUDGET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Fowler, and Council Member Macaluso

**Nay:** 1 - Council Member Scott

**9. [2019-876](#) RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2019-2020 BUDGET**

Ms. Mattick continued stating that House Bill 3195 requires the City Council to ratify the property tax revenue increase reflected in the budget to be adopted. She stated that the proposed budget will raise more total property taxes than last year's budget by \$1,134,011 (13.56%) and of that amount, \$539,914 is tax revenue to be raised from new property added to the tax rolls this year.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2019-2020 BUDGET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Fowler, and Council Member Macaluso

**Nay:** 1 - Council Member Scott

**10. [2019-886](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2019-38; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2019-38; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. 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

**11. [2019-875](#) CONSIDER ORDINANCE NO. 2019-38; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2019 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.**

Ms. Mattick continued with information required to adopt the budget with a tax rate of \$0.4720.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER MACALUSO, TO MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.4720, WHICH IS EFFECTIVELY A 4.66% INCREASE IN THE TAX RATE AND TO APPROVE ORDINANCE NO. 2019-38; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2019 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Fowler, and Council Member Macaluso

**Nay:** 1 - Council Member Scott

**12. [2019-910](#) DISCUSS ATLAS 14 RAINFALL STUDY AND EFFECT ON NEW DEVELOPMENT AND ISSUES RELATED TO UNIFIED DEVELOPMENT CODE.**

Mayor Handren called on City Manager Ron Bowman. Mr. Bowman stated that Staff met with Troy Dorman and Jeff Moeller, the City's consultants who, have been contracted to examine the water quality and quantity aspects as it relates to LID and detention/retention. Mayor Handren explained how the Atlas 14 FEMA data would affect the City. The study of rainfall frequency and intensity as published by the National Oceanic and Atmospheric Administration (NOAA) increases the flood plain which puts the burden on the developers. Council Member Macaluso and Council Member Wolosin will be included in discussions with city staff to modify the City's Subdivision Ordinance to include the Atlas 14 study. The first reading of the Ordinance is scheduled to be on the September 24, 2019 City Council meeting agenda.

**13. [2019-911](#) DISCUSS DEMOLITION PERMITS FOR HISTORIC STRUCTURES.**

City Manager Ron Bowman continued with the discussion on demolition permits for historic structures in the city limits. City Attorney Mick McKamie is currently involved with legal matters in Fredericksburg regarding this subject matter. Mr. McKamie stated that some cities are including a 45 day waiting

period before historic structures can be demolished. Staff will review the 2009 UTSA study on the Historic District. McKamie will provide an ordinance with multiple options for the City Council to consider.

**14. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.**

City Manager Ron Bowman stated there will be a future workshop to discuss the Five Year Capital Improvement Plan, review of the City's fiscal policy and discuss the Reserve Fund. The husband of Officer Van Stavern sent an email to Mr. Bowman stating the family was touched by the efforts of the community. He expressed appreciation to EMS, the officers at the accident scene, the State Troopers, and hospital shift workers, as well as Chief Kohler, Assistant Chief Page, Captain Perez, and Lieutenant Scoggins. Officer Van Stavern is expected to make a full recovery, however her return to work date has not been determined. Mr. Bowman stated that Kim Blohm will be representing the Boerne Chamber of Commerce on the Kendall County Transportation Committee, and the City Council will have the opportunity to meet one on one with the Boerne Kendall County Economic Development Corporation.

Deputy City Manager Jeff Thompson stated that Stage One Water Conservation has been effective. Potable production has gone down and reclaimed water also went down.

Planning and Community Development Director Laura Talley stated there will be a joint Planning and Zoning Commission and City Council Workshop scheduled for October 8, 2019. There will be a Unified Development Code Open House on September 16, 2019.

Council Member Wolosin stated he attended a local Tea Party organization meeting. Topic of discussion was water. Larry Bailey was present at the meeting and he discussed the importance of the need for all facets of the government to work together.

Mayor Handren stated that the Kendall County Transportation Planning



Steering Committee met last Friday. Rules of engagement were laid out and all members of the committee were identified and they discussed how the group will function. It was decided that all the meetings will be open to the public and notices will be posted.

**15. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:**

Mayor Handren convened the City Council into Executive Session at 8:53 p.m.

No action was taken.

**15.A.[2019-907](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY - LEGAL ISSUES RELATED TO DEMOLITION PERMITS FOR HISTORIC STRUCTURES.**

No action was taken.

**15.B.[2019-882](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY - LEGAL ISSUES RELATED TO IMPLEMENTATION OF LIMITED TEMPORARY RESTRICTION ON DEVELOPMENT IN SPECIFIC AREAS.**

No action was taken.

Mayor Handren announced that SECTION 551.074 - (PERSONNEL/OFFICERS) will also be discussed in Executive Session.

No action was taken.

**16. 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 9:45 p.m.

No action was taken.

17. 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)

City Council did not convene into Executive Session.

#### 18. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 9:45 p.m.

Approved:

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Mayor Pro Tem

Attest:

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City Secretary