

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
November 12, 2019 – 6:00 PM

Minutes of the Regular Called City Council meeting of November 12, 2019 at 6:00 p.m.

Present: 5 - Mayor Tim Handren, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Quinten Scott, and Council Member Brian Fowler

Absent: 1 - Council Member Joseph Macaluso

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Jeff Carroll, Lori Carroll, Jim Kohler, Mike Mann, Sandy Mattick, Mick McKamie, Doug Meckel, Nick Montagno, Mike Raute, Laura Talley, Jeff Thompson, and Linda Zartler.

Recognized/Registered Guests: Milan J. Michalec, Rewe Ruiz, and Crystal Henry.

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. [2019-108](#) PRESENTATION OF “PIE IN THE SKY CAMPAIGN” BY YVETTE REYNA, EXECUTIVE DIRECTOR OF THE BOERNE EDUCATION FOUNDATION AND BOERNE INDEPENDENT SCHOOL DISTRICT

COMMUNITY PARTNERSHIPS.

This presentation did not take place due to illness of the presenter.

4. PUBLIC COMMENTS:

Milan Michalec, Director of the Cow Creek Groundwater Conservation District stated that he was not speaking as a representative of Cow Creek, but for himself. He distributed his written comments to the City Council Members regarding the proposed WCID #3 Resolution on the agenda. Mr. Michalec provided a brief history of the creation of the WCID #3 stating that the tract of land encompasses more than 1,000 acres, but the City is focusing on 374 acres. He would like to know more about the additional 600 acres. He also suggested that Staff develop a policy for WCID's and MUD's.

5. CONSENT AGENDA:

5.A. [2019-109](#) [0](#) CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 22, 2019 AND THE SPECIAL CALLED CITY COUNCIL MEETING OF OCTOBER 24, 2019.

5.B. [2019-105](#) [6](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-43; 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 0.5 ACRES LOCATED AT 32840 INTERSTATE 10 WEST (KAD NO. 26884) FROM I, INDUSTRIAL DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Kenneth W. Seamans)

5.C. [2019-105](#) [7](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-44; 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

0.545 ACRES LOCATED AT 19 OLD SAN ANTONIO ROAD (KAD NO. 15817) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Arvelene Ann Amari)

5.D. [2019-105](#) [8](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-45; 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 1.899 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (KAD NO. 15816) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Jacob Obadia)

5.E. [2019-105](#) [9](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-47; 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 2.372 ACRES LOCATED AT 34 HERFF ROAD (KAD NOS. 15868 AND 34998) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J Willis Harpole)

5.F. [2019-106](#) [1](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-50; 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 5.079 ACRES LOCATED AT 31001 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12292) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (VBM Boerne Land LLC, Toyota)

5.G. [2019-106](#) [3](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-52; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2018-42 CAPTIONED "AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT."

5.H. [2019-106](#) [4](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-53; AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

5.I. [2019-109](#) [5](#) CONSIDER RESOLUTION NO. 2019-R169; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Air compressor)

5.J. [2019-109](#) [4](#) CONSIDER RESOLUTION NO. 2019-R170; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PROGRESSIVE EMERGENCY PRODUCTS FOR SERVICE AND REPAIRS TO BARRICADES.

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

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

Absent: 1 - Council Member Macaluso

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

6.A. [2019-106](#) PROPOSED REVISIONS TO THE CITY OF BOERNE ZONING
[7](#) ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06.
DEFINITIONS, ARTICLE 8, HISTORIC LANDMARK/HISTORIC
DISTRICT PRESERVATION, ADDING SECTION13, DEMOLITION OF
HISTORIC STRUCTURES, AND AMENDING THE SUBSEQUENT
SECTION NUMBERS.

Mayor Handren opened the Public Hearing at 6:09 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:10 p.m.

7. TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARINGS:

7.A. [2019-108](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2019-54; AS
[3](#) PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER,
SECTION 3.11.A.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVED A ONE-TIME READING OF ORDINANCE NO. 2019-54; AS PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER, SECTION 3.11.A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

7.B. [2019-106](#) **CONSIDER ORDINANCE NO. 2019-54; AN ORDINANCE AMENDING
8 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 1, IN
GENERAL, SECTION 06. DEFINITIONS, ARTICLE 8, HISTORIC
LANDMARK/HISTORIC DISTRICT PRESERVATION, SECTION 04.
PROCEDURE FOR HISTORIC LANDMARK DESIGNATION; AND
ADDING SECTION 13, DEMOLITION OF HISTORIC STRUCTURES,
AND RENUMBERING THE SUBSEQUENT SECTIONS.**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated that the proposed amendments to the Zoning Ordinance were presented to the Historic Landmark Commission (HLC). It is their recommendation that any building 50 years old or older require a building permit for demolition from Code Compliance. The property owner must provide proof of age of the building. Code Compliance will notify the Planning Department to set a Public Hearing before the HLC. Notices will go out to property owners within 200 feet and a sign will also be placed at the property. After the Public Hearings, the HLC will determine if it is a Contributing Structure. If it is determined that it is not a Contributing Structure, the owner is given approval to demolish the building. If it is determined a Contributing Structure, HLC will make a recommendation to the City Council. A recommendation can be made also for a partial demolition. The City Council will make the final determination. Ms. Talley stated that the HLC approved the proposed amendments by a vote of 8-0 with the condition that Section 8.04.001 be stated in Section 13, so it is specific to demolition of historic structures.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ORDINANCE NO. 2019-54; 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 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 8, HISTORIC LANDMARK/HISTORIC DISTRICT PRESERVATION, SECTION 04. PROCEDURE FOR HISTORIC LANDMARK DESIGNATION; AND ADDING SECTION 13, DEMOLITION OF HISTORIC STRUCTURES, AND RENUMBERING THE SUBSEQUENT SECTIONS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

8. [2019-106](#) [0](#) **CONSIDER ON SECOND READING ORDINANCE NO. 2019-49; 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 6.01 ACRES LOCATED AT 39 HERFF ROAD (KAD NOS. 63556 AND 63557) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Barbara K. Fellows)**

Ms. Talley continued with the proposed permanent zoning of the property located at 39 Herff Road. She stated this property was recently annexed into the City limits. It is Staff's recommendation that this property be zoned R-A, Single-Family Rural Residential-Agricultural District since approximately 90% of the property is located in the flood plain. In the future, the property owner can ask for a rezoning of the property which the City Council would take under consideration.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON SECOND READING ORDINANCE NO. 2019-49; 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 6.01 ACRES LOCATED AT 39 HERFF ROAD (KAD NOS. 63556 AND 63557) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (BARBARA K. FELLOWS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Wolosin, Mayor Pro Tem Woolard, and Council Member Fowler

Nay: 1 - Council Member Scott

Absent: 1 - Council Member Macaluso

9. [2019-106](#) [9](#) **CONSIDER ON SECOND READING ORDINANCE NO. 2019-51; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF AUTOMOBILE SERVICE WITH OUTSIDE STORAGE IN AN I, INDUSTRIAL DISTRICT LOCATED AT 31001 INTERSTATE 10 WEST (KAD NO. 12292), A TOTAL OF 5.079 ACRES. (VBM Boerne Land LLC, Toyota)**

Ms. Talley continued with the proposed permitted use of an automobile service with outside storage in an I, Industrial District. The property is located at 31001 IH-10 West, the Toyota Dealership. The property owner Vic Vaughn would like to build a collision repair facility that will serve as an extension of the Toyota of Boerne dealership. She displayed the proposed site plan of the facility.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER FOWLER, THAT THIS ORDINANCE BE APPROVED CONSIDER ON SECOND READING ORDINANCE NO. 2019-51; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF AUTOMOBILE SERVICE WITH OUTSIDE STORAGE IN AN I, INDUSTRIAL DISTRICT LOCATED AT 31001 INTERSTATE 10 WEST (KAD NO. 12292), A TOTAL OF 5.079 ACRES (VBM BOERNE LAND LLC, TOYOTA) TO INCLUDE A MINIMUM 7 FOOT TALL SOLID FENCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**10. [2019-108](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2019-55; AS
[4](#) PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER,
SECTION 3.11.A.**

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2019-55; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**11. [2019-108](#) CONSIDER ORDINANCE NO. 2019-55; AN ORDINANCE AMENDING
[8](#) ORDINANCE NO. 2018-29, CAPTIONED "AN ORDINANCE
ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR
THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2018-2019,
BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019"**

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed the proposed budget amendments: General Fund - \$600,000 and Electric Fund - \$600,000 to recognize additional revenue received and an additional transfer made to the capital projects fund for City Hall construction; General Fund - \$5,000 to increase the budget to recognize additional revenue

received from donations; Park Fund - \$83,544 to increase the budget to recognize additional grant revenue and expenditures incurred for the trail expansion project; Library Fund - \$46,000 to increase the budget to recognize additional revenues and donations and expenditures incurred for operations and the renovation; Debt Service Fund - \$49,717 to increase the budget for bond issuance costs related to the 2019 GO Refunding Bonds; Solid Waste Fund - \$35,000 to increase the budget to recognize additional solid waste collections received and expenditures incurred to Waste Management due to growth.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ORDINANCE NO. 2019-55; AN ORDINANCE AMENDING ORDINANCE NO. 2018-29, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2018-2019, BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019". THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

**12. [2019-109](#) RECEIVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT
[1](#) REPORTS FOR FISCAL YEAR 2019.**

Ms. Mattick continued with the Fourth Quarter Financial and Investment Reports for Fiscal Year 2019. She stated that the Revenues excluding budgeted fund balance were above projection at 102.50%. Expenditures were below projections at 91.42%. Sales tax collections were up 12.48% from this period last year. Ad valorem tax collections were at 99.40% of the levy. The Electric revenues were at 100.84% of budget and expenses were below projections at 86.77%. Water revenues were at 115.45% of budget and expenses were below projections at 97.27%. Wastewater revenues were at 103.56% of budget and expenses were below projections at 89.94%. Gas revenues were at 105.90% of budget and expenses were below projections at 94.71%. Ms. Mattick stated that the Public Funds Investment Act requires a written report to the governing body for all funds. During this quarter, the City of Boerne invested in TexPool, MBIA, Texas TERM, TexStar, Government Agencies municipal bonds, commercial paper, and Certificates of Deposit (CD's). Interest earned for this

quarter totaled \$390,008. Staff will continue to monitor interest rate activity and act accordingly when opportunities arise.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE AND ACCEPT THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

13. [2019-109](#) RECEIVE BIDS AND AWARD CONTRACT FOR ESSER/ADLER ROAD ELECTRICAL FEEDER UPGRADE PROJECT AND CONSIDER RESOLUTION NO. 2019-R171; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND _____ FOR THE ESSER/ADLER ROAD ELECTRICAL FEEDER UPGRADE PROJECT.

Mayor Handren called on Mr. Mike Mann, Utilities Director. Mr. Mann explained that Staff has been working to install, upgrade and/or replace existing electric distribution feed lines extending between our two power supply substations for system reliability and redundancy purposes. The design was completed, but not in time to construct the project before the end of the fiscal year. Funding was carried over to the current fiscal year. The project was bid publicly in October and two bids were received. The City's consultant Schneider Engineering reviewed the qualifications of both bidders and recommended awarding the bid to the low bidder, Grays Power Supply.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOOLARD, TO RECEIVE BIDS AND AWARD CONTRACT FOR ESSER/ADLER ROAD ELECTRICAL FEEDER UPGRADE PROJECT AND APPROVE RESOLUTION NO. 2019-R171; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND GRAYS POWER SUPPLY IN THE AMOUNT OF \$345,855.97 FOR THE ESSER/ADLER ROAD ELECTRICAL FEEDER UPGRADE PROJECT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

14. [2019-109](#) [6](#) RECEIVE BIDS AND AWARD CONTRACT FOR WASTEWATER TREATMENT AND RECYCLING CENTER AND WASTEWATER TREATMENT PLANT FACILITY UPGRADES AND CONSIDER RESOLUTION NO. 2019-R172; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND _____ FOR THE WASTEWATER TREATMENT AND RECYCLING CENTER AND WASTEWATER TREATMENT PLANT FACILITY UPGRADES.

Mr. Mann continued with the Wastewater Treatment and Recycling Center and also the Wastewater Treatment Plant facility upgrades. Mr. Mann stated that four bids were received and the cost was approximately \$100,000 more than anticipated. It is Staff's recommendation to reject all the bids and immediately re-bid the work at the two plants separately. Discussion ensued regarding the UV Bank work at the Treatment Plant and what would cause a failure. Mr. Mann stated that the electronic component could cause a failure, that the system was installed in the 1990's.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO RECEIVE AND REJECT THE BIDS RECEIVED AND DENY RESOLUTION NO. 2019-R172; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND _____ FOR THE WASTEWATER TREATMENT AND RECYCLING CENTER AND WASTEWATER TREATMENT PLANT FACILITY UPGRADES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

15. [2019-109](#) [3](#) RECEIVE BIDS AND AWARD CONTRACT FOR MOVING SERVICES FROM EXISTING CITY HALL TO NEW CITY HALL AND CONSIDER RESOLUTION NO. 2019-R173; AUTHORIZING THE CITY MANAGER

**TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE
CITY OF BOERNE AND _____ FOR MOVING
SERVICES FROM EXISTING CITY HALL TO NEW CITY HALL.**

Mayor Handren called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler stated that five moving companies attended the mandatory pre-bid conference for moving some furniture, material, records, and miscellaneous equipment items from our current location to the New City Hall building, however only two bids were received. It is Staff's recommendation to award the contract to the low bidder Move Logistics, Inc. in the amount of \$15,995.00. The current plan is to move to the new facility the weekend of January 10-13, 2019.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO RECEIVE BIDS AND AWARD CONTRACT FOR MOVING SERVICES FROM EXISTING CITY HALL TO NEW CITY HALL AND APPROVE RESOLUTION NO. 2019-R173; AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND MOVE LOGISTICS, INC. FOR THE AMOUNT \$15,995.00. FOR MOVING SERVICES FROM EXISTING CITY HALL TO NEW CITY HALL. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

16. [2019-109](#) CITY MANAGER'S REPORT DISCUSSION:

[8](#)

- A. INTRODUCTION OF JEFF CARROLL, DEVELOPMENT SERVICES DIRECTOR**
- B. NEW CITY HALL UPDATE**
- C. CHIP SEAL PARKING LOT AT CORNER OF MAIN STREET AND JOHNS ROAD**
- D. DICKENS ON MAIN AND STOCKING STROLL**
- E. SOUTH BOERNE BUSINESS SIGNAGE**
- F. UNIFIED DEVELOPMENT CODE UPDATE**
- G. BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION CONTRACT**

Mayor Handren called on City Manager Ron Bowman to provide updated

information on various activities of the City. Mr. Bowman stated that the City has had four months of \$700,000 plus of sales tax revenues. Ms. Linda Zartler, Assistant City Manager stated that the substantial completion of the New City Hall is expected on December 20, 2019. Mr. Bowman introduced Mr. Jeff Carroll, the City's new Development Services Director. Mr. Bowman stated that the parking lot on the corner of Johns Road and Main Street will be open to the public on Friday, November 15, 2019. The annual Dickens on Main event will celebrate the 20th year anniversary on November 29 through November 30, 2019. 40 business partners are sponsoring the event. The annual Stocking Stroll was sold out in two hours. Due to the construction on IH-10, it has been necessary to add signage directing people to South Boerne retail. The Boerne Chamber is assisting with signage. Mr. Jeff Thompson, Deputy City Manager stated it will be nine to 12 months for the Boerne exit to return, or if the City provides incentives, it could be six months. Ms. Laura Talley, Planning and Community Development Director stated that the Unified Development Code is scheduled to be completed in March 2020. The Committee is currently working on the Sign Ordinance. Staff is currently working on dates for a neighborhood meeting and a date for an open house. Mr. Bowman continued with the Boerne Kendall County Economic Development Corporation contract which is scheduled to be on the November 26, 2019 City Council agenda. Mr. Bowman expressed appreciation to the City Council for their time, efforts, and guidance. Mayor Handren also expressed his appreciation.

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

Mike Raute, Information Technology Director displayed the new module to the City of Boerne Technology App. Among other things, it can be used to report an issue, such as a power outage.

Council Member Wolosin provided an update on the meeting held November 4, 2019 with Representative Kyle Biedermann to discuss the State of Texas Flood Control and Mitigation Laws. Also in attendance was Garry Munitzas, Christina Bergmann, Richard Chapman, Bryan Benway, Larry Bailey, and Ron Bowman.

Ron Bowman, City Manager notified the City Council that approval of the

Shoreline Park plat was effective today.

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

Mayor Handren call the City Council into Executive Session at 7:08 p.m.

**18.A.[2019-108](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND
[6](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS. (WCID NO. 3 Update)**

No action was taken.

**18.B.[2019-108](#) SECTION 551.074 - PERSONNEL MATTERS: TO DELIBERATE THE
[7](#) APPOINTMENT, COMPENSATION AND DUTIES OF A CITY
ATTORNEY.**

No action was taken.

19. 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 8:27 p.m.

**19.A.[2019-106](#) CONSIDER RESOLUTION NO. 2019-R174; A RESOLUTION
[5](#) AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND
BOERNEBAK, LLC AND BOERNEBAK II, LLC (WCID No. 3).**

No action was taken.

**19.B.[2019-108](#) CONSIDER APPOINTMENT TO THE POSITION OF CITY ATTORNEY
[5](#) AND AFFIX COMPENSATION AS PER CITY OF BOERNE CHARTER
SECTION 5.02.**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE THE APPOINTMENT OF BARBARA QUIRK TO THE POSITION OF CITY ATTORNEY AND AFFIX COMPENSATION AS PER CITY OF BOERNE CHARTER SECTION 5.02. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Macaluso

20. 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)

There was not a need for the City Council to reconvene into Executive Session.

21. ADJOURNMENT

Mayor Handren adjourned the City Council at 8:29 p.m.

Approved:

Mayor

Attest:

City Secretary