

MINUTES
REGULAR CITY COUNCIL MEETING
Municipal Court Complex
124 Old San Antonio Road
Boerne, TX 78006
March 10, 2020 – 6:00 PM

Minutes of the Regular City Council meeting of March 10, 2020 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, Siria Arreola, Pam Bransford, Lori Carroll, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Nick Montagno, Barbara Quirk, Mike Raute, Angie Rios, Cheryl Rogers, Chris Shadrock, Kelly Skovbjerg, Laura Talley, Jeanette Teague, Larry Woods, and Danny Zincke.

Registered/Recognized Guests: Robert Imler, Michael Tracey, Ben Eldredge, Lance Kyle, Brian Cartwright, Steve Brown, and Wendy Chapman.

1. CALL TO ORDER – 6:00 PM

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

INVOCATION

Mayor Handren called on Father David from the St. Helena's Episcopal Church to provide the invocation.

Mayor Handren 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:

Ben Eldredge, 212 Azalea Trail discussed his view on the Mayor's recommendations to the Water Planning Committee.

Robert Imler, 215 East Bandera Road asked that the City Council deny the Resolution , deny the Resolution establishing the Water Planning Committee.

Wendy Chapman stated she was speaking as a concerned citizen regarding the Water Planning Committee and the goals.

4. CONSENT AGENDA:

4.A. [2020-227](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 25, 2020.

THE MINUTES WERE APPROVED.

4.B. [2020-208](#) CONSIDER RESOLUTION NO. 2020-R13; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Sewer line video inspection camera truck)

THE RESOLUTION WAS APPROVED.

4.C. [2020-233](#) CONSIDER RESOLUTION NO. 2020-R14; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND SB CONSTRUCTION FOR CONSTRUCTION OF A METAL BUILDING FOR THE PARKS AND RECREATION DEPARTMENT.

THE RESOLUTION WAS APPROVED.

4.D. [2020-238](#) CONSIDER RESOLUTION NO. 2020-R15; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND PENGUIN SUITS FOR 2020 PARKS AND RECREATION GUIDE BOOKS. (Additional work outside of the original scope)

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN TO APPROVED 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. [2020-241](#) RECEIVE THE COMPREHENSIVE ANNUAL REPORT (CAFR) FROM ABIP, PC FOR FISCAL YEAR 2018-2019.

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick introduced Mr. Jeremy Barbatto and Janet Pickman from the the audit firm ABIP, PC. Mr. Barbatto explained the Comprehensive Annual Financial Report (CAFR) and what is included in the report.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, RECEIVE THE COMPREHENSIVE ANNUAL REPORT (CAFR) FROM ABIP, PC FOR FISCAL YEAR 2018-2019. 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

6. [2020-229](#) CONSIDER RESOLUTION NO. 2020-R16; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS OF INTENT TO ESTABLISH A CITY PACE PROGRAM ADMINISTERED BY AACOG, REFERENCING THE REQUIRED REPORT, AND SETTING A PUBLIC HEARING. (Property Assessed Clean Energy)

Mayor Handren introduced Mr. John Clamp, CEO of Alamo Area Council of Governments (AACOG) and asked that he review and explain the PACE Program.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2020-R16; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS OF INTENT TO ESTABLISH A CITY PACE PROGRAM ADMINISTERED BY AACOG, REFERENCING THE REQUIRED REPORT, AND SETTING A PUBLIC HEARING (PROPERTY ASSESSED CLEAN ENERGY). 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. PUBLIC HEARING – To Hear Comments On The Following:

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

7.A. [2020-246](#) PROPOSED REZONING OF 0.35 ACRES LOCATED AT 32828 INTERSTATE HIGHWAY 10 WEST (KAD NO. 26885) FROM I, INDUSTRIAL DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT. (Christine Jacques)

No comments were received.

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

7.B. [2020-249](#) PROPOSED USE OF A RETIREMENT COMMUNITY IN A B-2, HIGHWAY COMMERCIAL DISTRICT, FOR 6.479 ACRES LOCATED ON OLD SAN ANTONIO ROAD (KAD NO. 300529). (Hunt Properties)

Mayor Handren opened the Public Hearing at 6:46 p.m.

Ryan Springer with Hunt Properties stated he grew up in the area. He discussed the features of the proposed retirement community.

Mark Little, Architect addressed the Planning and Zoning Commission's concerns with the proposed development.

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

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

8.A. [2020-248](#) CONSIDER ON FIRST READING ORDINANCE NO. 2020-07; 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 0.35 ACRES LOCATED AT 32828 INTERSTATE HIGHWAY 10 WEST (KAD NO. 26885) FROM I, INDUSTRIAL DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE (Christine Jacques)

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a location map of the property and stated that the Planning and Zoning Commission voted 7-0 in favor of the rezoning.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER FOWLER, TO APPROVE ON FIRST READING ORDINANCE NO. 2020-07; 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 0.35 ACRES LOCATED AT 32828 INTERSTATE HIGHWAY 10 WEST (KAD NO. 26885) FROM I, INDUSTRIAL DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE (CHRISTINE JACQUES). 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.B. [2020-250](#) CONSIDER ON FIRST READING ORDINANCE NO. 2020-08; 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 A RETIREMENT COMMUNITY IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED ON OLD SAN ANTONIO ROAD (KAD NO. 300529- SURVEY 183 J SMALL), A TOTAL OF 6.479 ACRES. (Hunt Properties)

Ms. Talley continued with displaying the location map of the property and the proposed site plan. Ms. Talley addressed the Council Member's concerns with the proposed development.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER SCOTT, TO TABLE ON FIRST READING ORDINANCE NO. 2020-08; 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 A RETIREMENT COMMUNITY IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED ON OLD SAN ANTONIO ROAD (KAD NO. 300529- SURVEY 183 J SMALL), A TOTAL OF 6.479 ACRES. (HUNT PROPERTIES) UNTIL THE SPECIFIC NUISANCES: LIGHTING, NOISE, FENCING, DUMPSTER LOCATION ARE ADDRESSED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 2 - Council Member Wolosin, and Mayor Pro Tem Woolard

9. [2020-234](#) SEMI-ANNUAL STAFF PRESENTATION FROM THE CONVENTION AND VISITORS BUREAU.

Mayor Handren called on Mr. Larry Woods, Convention and Visitors Bureau Director to provide the semi-annual update on the Convention and Visitors Bureau. Mr. Woods distributed an information packet to the Council Members.

10. [2020-231](#) REVIEW OF THE CITY OF BOERNE PARKS, RECREATION, AND OPEN SPACE MASTER PLAN AND DISCUSSION ON CURRENT PROJECT PRIORITY LIST.

Mayor Handren called on Mr. Danny Zincke, Community Services Director. Mr. Zincke discussed the current priorities in Parks Master Plan.

Council Member Macaluso left the meeting at 7:53 p.m. and returned at 7:56 p.m.

11. [2020-247](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2020-09; 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 WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2020-09; 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 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

12. [2020-251](#) RECEIVE THE PROPOSED DRAFT OF THE UNIFIED DEVELOPMENT CODE AND CONSIDER ORDINANCE NO. 2020-09, SETTING PUBLIC HEARINGS FOR MARCH 31, 2020, AT 5:00 P.M., AND APRIL 14, 2020, AT 5:00 P.M., EACH TO BE HELD JOINTLY WITH A HEARING BEFORE THE PLANNING AND ZONING COMMISSION.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE THE PROPOSED DRAFT OF THE UNIFIED DEVELOPMENT CODE AND CONSIDER ORDINANCE NO. 2020-09, SETTING PUBLIC HEARINGS FOR MARCH 31, 2020, AT 5:00 P.M., AND APRIL 14, 2020, AT 5:00 P.M., EACH TO BE HELD JOINTLY WITH A HEARING BEFORE THE PLANNING AND ZONING COMMISSION. 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

13. [2020-203](#) CONSIDER RESOLUTION NO. 2020-R17; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES FOR A DRAINAGE MASTER PLAN.

Mayor Handren called on Ms. Cheryl Rogers, City Engineer. Ms. Rogers briefly

discussed the necessity of the Drainage Master Plan and the scope of the agreement.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2020-R17; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES FOR A DRAINAGE MASTER PLAN. 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

14. [2020-237](#) CONSIDER RESOLUTION NO. 2020-R18; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ESTABLISHING THE BOERNE COMMUNITY WATER PLANNING COMMITTEE AND APPOINTING MEMBERS.

Mayor Handren provided information on the proposed Boerne Community Water Planning Committee, his recommendations for committee members and the goals of committee.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2020-R18; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ESTABLISHING THE BOERNE COMMUNITY WATER PLANNING COMMITTEE AND APPOINTING MEMBERS, GIVING CHAIRMAN COHOON THE ABILITY TO ADD UP TO THREE MEMBERS TO THE COMMITTEE. 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

15. [2020-242](#) CONSIDER RESOLUTION NO. 2020-R19; A RESOLUTION IN SUPPORT OF ELIMINATING LEFT TURNS OFF OF STATE HIGHWAY 46 WESTBOUND TOWARDS BOERNE ONTO CITY PARK ROAD.

Mayor Handren called on Ms. Cheryl Rogers, City Engineer. Ms. Rogers displayed a location map of the area for the proposed median on State Highway 46 East which will eliminate left turns off of State Highway 46 Westbound onto City Park Road.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2020-R19; A RESOLUTION IN SUPPORT OF ELIMINATING LEFT TURNS OFF OF STATE HIGHWAY 46 WESTBOUND TOWARDS BOERNE ONTO CITY PARK ROAD. 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

16. [2020-240](#) **RECEIVE BIDS AND AWARD CONTRACT FOR A FACILITIES MASTER PLAN FOR THE PATRICK HEATH PUBLIC LIBRARY AND CONSIDER RESOLUTION NO. 2020-R20; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND _____ FOR A FACILITIES MASTER PLAN FOR THE PATRICK HEATH PUBLIC LIBRARY.**

Mayor Handren called on Ms. Kelly Skovbjerg, Library Director. Ms. Skovbjerg discussed the process in selecting the consultant to assist in the Facilities Master Plan for the Patrick Heath Public Library.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE BIDS AND AWARD CONTRACT FOR A FACILITIES MASTER PLAN FOR THE PATRICK HEATH PUBLIC LIBRARY AND APPROVE RESOLUTION NO. 2020-R20; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND LPA FOR A FACILITIES MASTER PLAN FOR THE PATRICK HEATH PUBLIC LIBRARY. 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

17. [2020-239](#) **CITY MANAGER'S REPORT.**

Mayor Handren called on City Manager Mr. Bowman to provide the City Manager's Report.

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

Council Member Macaluso discussed the Water Planning Committee.

Council Member Fowler discussed his meeting with a local business and resident regarding nuisance issues. He also noted that he recently purchased a home on Oak Park but is not living there.

Council Member Wolosin expressed appreciation to the City's Street Department for the job they did in striping the street.

Mayor Handren expressed appreciation to City Staff for a successful move into the new City Hall, and to the members who have volunteered to be on the Water Planning Committee.

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

Mayor Handren convened the City Council into Executive Session at 9:31 p.m.

**19.A.[2020-243](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.
(Potential land purchase in south Boerne)**

No action was taken.

**19.B.[2020-244](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY AND
SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS. (Guy Sanders)**

No action was taken.

**20. 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 10:20 p.m.

20.A.[2020-245](#) CONSIDER RESOLUTION NO. 2020-R21; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND GUY SANDERS FOR 153 S MAIN.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD THAT WE FIND THAT THE ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT FOR 153 SOUTH MAIN MEETS THE FOLLOWING PRIORITIES FOR ECONOMIC DEVELOPMENT INCENTIVES OUTLINED IN THE CITY OF BOERNE INCENTIVE POLICY; LOCATIONS WHERE NEW DEVELOPMENT BRINGS ABOUT ENHANCEMENT OF PUBLIC INFRASTRUCTURE; REDEVELOPMENT OF AGED OR UNDER-PERFORMING BUSINESS AREAS; BUSINESSES AND IMPROVEMENTS WHICH ENHANCE THE DOWNTOWN, HILL COUNTRY MILE, AND HISTORIC DISTRICT AND THAT WE APPROVE RESOLUTION NO. 2020-R21; AUTHORIZING THE CITY MANAGER TO EXECUTE AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH GUY SANDERS FOR 153 SOUTH MAIN FOR A REIMBURSEMENT AMOUNT UP TO \$76,172.85. 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

21. 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)

No further discussion in Executive Session was necessary.

22. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 10:22 p.m.

Approved:

Mayor

Attest:

City Secretary