

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
January 25, 2022 – 6:00 PM

Minutes of the Regular Called City Council meeting of January 25, 2022.

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, Siria Arreola, Sarah Buckelew, Jeff Carroll, Lori Carroll, Laura Haning, Mike Mann, Mick McKamie, Nick Montagno, Mike Raute, Chris Shadrock, Kristy Stark, and Danny Zincke.

Recognized/Registered Guests: Robert Imler, Christina Ryrholm, Lance Kyle, Zachary Wright, and Amy Story, Pat Crump, Alex Rudd, Andrea Resendez, Justin McKenzie, and Cheryle Curtis.

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:

Lance Kyle, 226 Cascade Caverns Road spoke in opposition to agenda item 4E. He feels the New Hope Cultural Education Facilities Finance Corporation is a scheme and will crash. He also mentioned that last week's council workshop

was very informative.

Alex Rudd stated she resides in Kendall County. She spoke in opposition to agenda 4E. She felt like the city should not get involved.

Andrea Resendez stated that she resides in the Champion Heights neighborhood. She spoke against new development. She feels that a moratorium should be put in place until the thoroughfare plan, school and flood plain impacts are resolved.

4. CONSENT AGENDA:

Mayor Handren stated that Consent Agenda Item 4D will be deferred until a later date as Kendall County did not approve the Agreement.

Council Member Woolard asked that Consent Agenda Item 4E be pulled from the Consent Agenda.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVED THE CONSENT AGENDA AS PRESENTED WITH THE EXCEPTION OF ITEMS 4D AND 4E. 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

4A. [2022-195](#) CONSIDER THE MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING OF JANUARY 6, 2022 (REDISTRICTING) AND THE REGULAR CALLED CITY COUNCIL MEETING OF JANUARY 11, 2022.

THE MINUTES WERE APPROVED.

4B. [2022-196](#) CONSIDER ON SECOND READING ORDINANCE NO. 2022-01; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT FOR A SHORT-TERM RENTAL LOCATED AT 428 HERFF

STREET (IRONS & GRAHAMS ADDITION LOT 187C, 0.054 ACRES, KAD NO. 46417) IN A 01, NEIGHBORHOOD OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

THE ORDINANCE WAS APPROVED.

- 4C. [2022-126](#) CONSIDER RESOLUTION NO. 2022-R03; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL COOPERATION AGREEMENT FOR MUTUAL AID FOR INFORMATION TECHNOLOGY SERVICES BETWEEN THE CITY OF BOERNE AND PARTICIPATING LOCAL GOVERNMENTS OF THE STATE OF TEXAS.

THE RESOLUTION WAS APPROVED.

- 4D. [2022-193](#) CONSIDER RESOLUTION NO. 2022-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS, AND KENDALL COUNTY, TEXAS, FOR CONSTRUCTION AND FUNDING OF DRAINAGE IMPROVEMENT PROJECTS.

NO ACTION WAS TAKEN.

- 4F. [2022-201](#) CONSIDER RESOLUTION NO. 2022-R06; A RESOLUTION OF THE CITY COUNCIL OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT AND ANY OTHER RELATED DOCUMENTS WITH DAS GREENHAUS, INC. FOR THE LEASE OF THE BUILDING LOCATED AT 400 EAST BLANCO ROAD, BOERNE, TEXAS. (Lease former Public Works/Utilities building, incubator concept)

THE RESOLUTION WAS APPROVED.

- 4E. [2022-194](#) CONSIDER RESOLUTION NO. 2022-R05; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ON BEHALF OF MORNINGSIDE MINISTRIES FOR A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS. (1100 Grand Boulevard, Boerne, TX, 78006)

Council Member Woolard asked for more information regarding the financing.

She was aware the city approved financing in 2019. City Manager Thatcher introduced representatives from the Bond Counsel and Morningside Ministries. Mr. Crump, CEO of Morningside explained that this is a simple refinance. Discussion ensued regarding their bond rating and the recent default at one of their facilities.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2022-R05; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ON BEHALF OF MORNINGSIDE MINISTRIES FOR A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS. (1100 GRAND BOULEVARD, BOERNE, TX, 78006). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

Nay: 1 - Council Member Woolard

REGULAR AGENDA:

5. RESOLUTIONS

5A. [2022-182](#) RECEIVE BIDS FOR CONSTRUCTION OF THE ROSEWOOD SIDEWALK IMPROVEMENTS AND CONSIDER RESOLUTION NO. 2022-R07; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR THE ROSEWOOD AVENUE SIDEWALK IMPROVEMENTS PROJECT TO _____ FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.

Mayor Handren called on Mr. Jeff Carroll, Development Services Director. Mr. Carroll stated that the process for sidewalk improvements construction was paused due to the COVID pandemic. Additional easements also had to be acquired due to tree locations. A map of the new sidewalk locations was displayed. Mr. Carroll addressed questions regarding the berm on Rosewood and potential flooding in the area. After receiving six bids, the consultant Jones & Carter, Inc. recommended awarding the contract to Caltex Interiors, Inc.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO RECEIVE BIDS FOR CONSTRUCTION OF THE ROSEWOOD SIDEWALK IMPROVEMENTS AND APPROVE RESOLUTION NO. 2022-R07; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR THE ROSEWOOD AVENUE SIDEWALK IMPROVEMENTS PROJECT TO CALTEX INTERIORS, INC. FOR AN AMOUNT NOT TO EXCEED \$ 238,551.50; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. 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

6. OTHER:

6A. [2022-205](#) CREATION OF A SHORT-TERM RENTAL SUBCOMMITTEE AND APPOINT MEMBERS.

Mayor Handren stated that he met with Planning and Zoning Commission Chair Bannwolf and both felt it necessary to create a short-term rental subcommittee to review criteria for short-term rentals. Council Members Woolard and Boddie and Commissioners Friar, Anzollitto and Hiler will make up the committee members.

7. CITY MANAGER'S REPORT:

7A. [2022-192](#) MONTHLY PROJECTS UPDATE.

Mayor Handren called on City Manager Ben Thatcher to provide an update on various city projects.

Mr. Thatcher also mentioned that approximately 150 people received a COVID test today during the event at the old City Hall parking lot. The event will continue tomorrow and Thursday and then be assessed to see if more days are necessary.

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

Council Member Macaluso clarified that the COVID testing event was facilitated by the City. The City was not doing the testing.

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

Mayor Handren announced that Executive Session item 9A. will not be discussed.

Mayor Handren called the City Council into Executive Session at 6:39 p.m.

9A. [2022-197](#) SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.

No discussion took place.

9B. [2022-198](#) SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING DEVELOPMENT MORATORIUM.

No action was taken.

9C. [2022-199](#) SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON.

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 7:16 p.m.

No action was taken.

Mayor Handren commented on agenda item 9B. He stated that Texas laws are specific when claiming a moratorium. Based on last weeks discussion, there is no legal basis for a development moratorium. During the UDC process, every piece of property was looked at and concerns were addressed. The Planning and Zoning Commission and the City Council have the ability to deny zoning requests. The city is in a better place than ever before.

11. ADJOURNMENT

Mayor Handren adjourned the City Council at 7:19 p.m.

Approved:

Mayor

Attest:

City Secretary