AGENDA

SPECIAL CALLED CITY COUNCIL MEETING RONALD C. BOWMAN CITY COUNCIL CHAMBERS

447 North Main Street
Boerne, TX 78006
August 16, 2022 – 6:00 PM

A quorum of the City Council will be present during the meeting at: 447 N Main, Boerne, TX 78006.

During the meeting, the City Council may meet in executive session, as to the posted subject matter of this City Council meeting, under these exceptions of Chapter 551 of the Texas Government Code; 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).

1. CALL TO ORDER - 6:00 PM

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG (Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

- 2. CONFLICTS OF INTEREST
- 3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue, in compliance with LGC Section 551.007. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion JC-0169)
- 4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

A. 2022-647 CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR

CALLED CITY COUNCIL MEETING OF AUGUST 9, 2022.

Attachments: Minutes.22.0809

B. 2022-651 CONSIDER MAYORAL APPOINTMENT TO THE ETHICS REVIEW

COMMISSION.

Attachments: AIS - mayoral appt ERC

REGULAR AGENDA

5. RESOLUTIONS:

A. 2022-650 DISCUSSION ON CITY OF BOERNE BRANDING AND CONSIDER

RESOLUTION NO. 2022-R47; A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF BOERNE, TEXAS, ADOPTING THE CITY

OF BOERNE LOGO AND USAGE STANDARDS.

Attachments: AIS - City of Boerne logo

Resolution No. 2022-R47

B. 2022-652 CONSIDER RESOLUTION NO. 2022-R48; A RESOLUTION CALLING

A BOND ELECTION TO BE HELD IN THE CITY OF BOERNE, TEXAS;
MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION;
AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO

SUCH ELECTION.

Attachments: AIS Bond election

Resolution No. 2022-R48

6. OTHER ITEMS:

A. 2022-653 RECEIVE THE CITY OF BOERNE'S 2022 ESTIMATED CERTIFIED TAX

VALUE, TAX RATE CALCULATION, CERTIFICATION OF

ADDITIONAL SALES TAX FORM, AND CERTIFY ANTICIPATED

COLLECTION RATE AND EXCESS DEBT COLLECTIONS.

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

8. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 12th day of August, 2022 at 5:00 p.m.

s/s Lori A. Carroll City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall is wheelchair accessible. Access to the building and special parking is available at the northeast entrance of the building. Requests for auxiliary aides and special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

MINUTES

REGULAR CITY COUNCIL MEETING RONALD C. BOWMAN CITY COUNCIL CHAMBERS

447 North Main Street

Boerne, TX 78006

August 9, 2022 – 6:00 PM

Minutes of the Regular Called City Council meeting of August 9, 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, Jeff Carroll, Lori Carroll, Sheldon Cravey, Glenn Garcia, Laura Robert Mike Mann, Mick McKamie, Haning, Lee, Montagno, Terry Nolan, Steve Perez, Chris Shadrock, Kristy Stark. Danny Zincke and Gas Department employees.

Recognized/Registered Guests: Christina Ryrholm, Zachary Wright, Robert Imler, Cheryl Perez, Tom Trentlage and Carolyn Chipman Evans.

1. CALL TO ORDER - 6:00 PM

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

INVOCATION

Mayor Handren asked Pastor Greg Arreola of the Kendall County Cowboy 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

Council Member Boddie stated that he has a conflict with Consent Agenda item K.

3. PUBLIC COMMENTS:

Tony Moninski, 301 Menger Springs stated he was а Meteorologist spoke weather forecast. on weather conditions and needs its network Boerne own for weather forecast as a safety tool.

Carolyn Chipman Evans, 25 Spring Creek Road stated she is the CEO Cibolo Center for Conservation. She expressed appreciation to the City Council for considering the Center as a Delegate Agency. The Center had over 1,000 visitors last year.

Robert Imler, 3 Sky Rose Ranch Road expressed concern with future growth.

4. CONSENT AGENDA:

WAS MOTION MADE COUNCIL **MEMBER** SCOTT, SECONDED BY BY COUNCIL MEMBER MACALUSO. TO APPROVE THE CONSENT **AGENDA** AS **PRESENTED** WITH THE **EXCEPTION** OF ITEM Κ WHICH WILL BE CONSIDERED SEPARATELY. 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

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON JULY 26, 2022.

THE MINUTES WERE APPROVED.

В. CONSIDER ON **SECOND READING ORDINANCE** NO. 2022-24; AN ORDINANCE AMENDING **CITY** TEXAS, THE OF BOERNE, CODE OF 5. ORDINANCES, **CHAPTER BUILDINGS** AND BUILDING REGULATIONS, **ARTICLE CONSTRUCTION** STANDARDS, **SECTION** II, 5-36, **ADOPTING** THE INTERNATIONAL **BUILDING** CODE 2021

ARTICLE **SECTIONS EDITION**; III, MECHANICAL CODE, 5-61, **INTERNATIONAL** ADOPTING THE **MECHANICAL** CODE 2021 **ARTICLE** IV GAS. **SECTION** 5-86 ADOPTING THE **EDITION: INTERNATIONAL GAS** CODE **FUEL 2021 EDITION**; **ARTICLE** ٧. PLUMBING, **SECTIONS** 5-111, **ADOPTING** THE **INTERNATIONAL PLUMBING** CODE 2021 EDITION; **ARTICLE** VI, **EXISTING BUILDING** CODE. **SECTION** 5-136, ADOPTING THE INTERNATIONAL **EXISTING BUILDINGS** CODE **ARTICLE** 2021 EDITION; VII, **ELECTRICAL** CODE. SECTION 5-232, ADOPTING THE NATIONAL **ELECTRIC** CODE 2020 ARTICLE VIII. LIFE **SAFETY** CODE. **EDITION: SECTION** 5-326. **ADOPTING** THE LIFE **SAFETY** CODE **2021 EDITION: ARTICLE** HOUSING CODE. **SECTION** 5-266, **ADOPTING** THE INTERNATIONAL **CODE** PROPERTY **MAINTENANCE** 2021 EDITION; **AND CHAPTER** FIRE **PREVENTION** AND PROTECTION, **ARTICLE** 11. FIRE **ADOPTING PREVENTION** CODE. **SECTION** 8-36. THE **INTERNATIONAL FIRE** CODE 2021 EDITION; **PROVIDING FOR** Α PENALTY OF NOT MORE THAN \$2,000 FOR EACH VIOLATION **OF** THE FIRE PREVENTION CODE. (Amend the building code sections and fire code from the 2009 Edition to current editions)

THE ORDINANCE WAS APPROVED.

C. CONSIDER **RESOLUTION** NO. 2022-R37; Α **RESOLUTION** AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE MUNICIPAL **EQUIPMENT** LEASE/PURCHASE **AGREEMENT** Α OF **BETWEEN** THE CITY **BOERNE** AND **FROST BANK FOR** AN ASPHALT ZIPPER FOR AN **AMOUNT FINANCED** NOT TO \$264,424.00. (Street Department)

THE RESOLUTION WAS APPROVED.

D. CONSIDER RESOLUTION NO. 2022-R38; Α **RESOLUTION** OF THE CITY COUNCIL OF THE CITY **OF** BOERNE, TEXAS, **AUTHORIZING** THE **CITY** TO **ENTER** INTO **AND MANAGER MANAGE** AN **AGREEMENT BETWEEN** THE CITY OF **BOERNE** AND **KIMLEY-HORN** AND ASSOCIATES, INC. **FOR TASK ORDER** NO. 2, WORK **AUTHORIZATION** NO. 1, **FOR** THE **SCHEMATIC DESIGN FOR CAVERNS CAPITAL IMPROVEMENT PROJECT** CASCADE AN **FOR** AMOUNT NOT TO EXCEED \$1,499,828.00. (MPO Roadway Project)

THE RESOLUTION WAS APPROVED.

E. CONSIDER RESOLUTION NO. 2022-R39; Α RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO **AND MANAGE INTERLOCAL AGREEMENT BETWEEN** THE **OF CITY BOERNE** AND BOERNE ISD FOR SCHOOL RESOURCE OFFICER PROGRAM.

THE RESOLUTION WAS APPROVED.

F. **CONSIDER RESOLUTION** NO. 2022-R40; Α **RESOLUTION** OF THE CITY COUNCIL OF THE CITY OF **BOERNE**, TEXAS, **AUTHORIZING EXECUTION OF** ALL **DOCUMENTS** NECESSARY TO **OPEN MANAGE BANK ACCOUNT FOR** THE RANCHES AT **CREEKSIDE** Α **PUBLIC IMPROVEMENT** DISTRICT (PID) ADMINISTRATION, AND **DESIGNATING FOR SIGNATORIES** THE **DEPOSITORY FINANCIAL INSTITUTION FOR THE FUNDS. (Frost Bank)**

THE RESOLUTION WAS APPROVED.

G. CONSIDER RESOLUTION NO. 2022-R41; Α RESOLUTION AUTHORIZING THE CITY MANAGER TO **ENTER INTO AND MANAGE DELEGATE AGENCY FOR FUNDING** OF **AGREEMENT PUBLIC** PURPOSE BETWEEN THE CITY OF **BOERNE** AND RAINBOW **SENIOR CENTER.** (Kronkosky Place)

THE RESOLUTION WAS APPROVED.

Н. CONSIDER **RESOLUTION** NO. 2022-R42; Α RESOLUTION MANAGER TO ENTER INTO **AUTHORIZING** THE CITY **AND MANAGE DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC** PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING **AUTHORITY.**

THE RESOLUTION WAS APPROVED.

I. CONSIDER RESOLUTION NO. 2022-R43; Α RESOLUTION **AUTHORIZING** MANAGER TO **ENTER INTO** AND THE CITY MANAGE **FOR** OF **DELEGATE AGENCY AGREEMENT FUNDING PUBLIC PURPOSE BETWEEN** THE **CITY OF BOERNE AND BOERNE** PERFORMING ARTS.

THE RESOLUTION WAS APPROVED.

CONSIDER **RESOLUTION** 2022-R44; J. NO. Α RESOLUTION **AUTHORIZING THE CITY** MANAGER TO ENTER INTO **AND MANAGE DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN** THE CITY OF **BOERNE** AND CIBOLO **CENTER** FOR CONSERVATION.

THE RESOLUTION WAS APPROVED.

K. CONSIDER **RESOLUTION** NO. 2022-R45; Α RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE DELEGATE **AGENCY AGREEMENT FOR FUNDING** OF **PUBLIC PURPOSE BETWEEN** THE **CITY** OF **BOERNE** AND **BOERNE** HILL **COUNTRY FAMILY SERVICES.**

Council Member Boddie stepped away from the dais and recused himself from the discussion vote.

City Manager Thatcher stated that Hill Country Family Services is now working with the Boerne Police Department to help people in a mental health crisis. The city has increased the public purpose funding to \$35,000.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TO **APPROVE RESOLUTION** NO. TEM WOLOSIN, 2022-R45; Α RESOLUTION **AUTHORIZING** THE CITY MANAGER TO **ENTER** INTO AND **MANAGE DELEGATE** Α AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF AND HILL COUNTRY FAMILY SERVICES. THE **MOTION CARRIED** BY THE **FOLLOWING VOTE:**

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

Recused: 1 - Council Member Boddie

REGULAR AGENDA:

- 5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:
- A. **DISCUSS** AND RECEIVE THE **REPORT FROM** THE **PLANNING** AND **COMMISSION** THE **PROPOSED REZONING** ZONING FOR OF 4.771 4.8328 ACRES, **ACRES AND** 0.0618 ACRES **FOR** Α **TOTAL OF**

LOCATED ΑT **502 SOUTH** SCHOOL STREET, FROM C1, **NEIGHBORHOOD** COMMERCIAL, TO R1-M, **MEDIUM DENSITY RESIDENTIAL** DISTRICT (A10310 -**SURVEY** 178 A LOCKMAR. **KAD** 14412 AND **PORTION** Α **OF KAD** NO. 14381). (Patrick Christensen).

Mayor called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning displayed a map of the property located at 502 South School Street. She stated that all the lots except one are a quarter acre in size. Planning There will total of 12 lots. The be and Zoning Commission recommended approval of the rezoning request by a vote of 6-0. Discussion ensued regarding the responsibility of the developer to improve School Street and sidewalks in front of the development.

B. PUBLIC HEARING (One of one hearing)

No comments were received.

C. **CONSIDER FIRST READING ORDINANCE** ON NO. 2022-25; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF **BOERNE** UNIFIED **DEVELOPMENT** CODE, BY **AMENDING CHAPTER** 3. ZONING, **SECTION** 3.2, ZONING MAP, **REZONING** AND 0.0618 ACRES FOR A **TOTAL** OF **4.771 ACRES** 4.8328 ACRES 502 SOUTH LOCATED AT SCHOOL STREET (A10310 - SURVEY 178 A LOCKMAR, KAD NO. 14412 AND A PORTION OF KAD NO. 14381) **NEIGHBORHOOD COMMERCIAL FROM** C1, DISTRICT, TO R1-M, **MEDIUM DENSITY RESIDENTIAL DISTRICT**; REPEALING ALL **ORDINANCES** IN **CONFLICT**; **CONTAINING** Α **SEVERANCE CLAUSE**; AND DECLARING AN EFFECTIVE DATE.

WAS BY COUNCIL MEMBER SCOTT, SECONDED BY A MOTION MADE COUNCIL **APPROVE** MEMBER MACALUSO, TO ON **FIRST** READING **ORDINANCE** NO. 2022-25: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNIFIED DEVELOPMENT CODE. BOERNE BY **AMENDING** CHAPTER 3. ZONING. SECTION 3.2. **ZONING** MAP. REZONING 4.771 ACRES AND 0.0618 ACRES FOR TOTAL OF 4.8328 ACRES **LOCATED** ΑT 502 SOUTH **SCHOOL** STREET (A10310 -SURVEY 178 A LOCKMAR, KAD NO. 14412 AND A PORTION OF KAD NO. 14381) FROM C1. NEIGHBORHOOD COMMERCIAL DISTRICT, TO **MEDIUM** R1-M, DENSITY RESIDENTIAL DISTRICT; REPEALING ALL **ORDINANCES** IN CONFLICT; **CONTAINING DECLARING** ΑN **EFFECTIVE** DATE. **MOTION** SEVERANCE CLAUSE: AND THE CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Wolosin, Council Woolard, Council Pro Tem Member Member Scott, Council Member Boddie, and Council Member Macaluso

6. RESOLUTIONS:

CONSIDER **RESOLUTION** NO. 2022-R46; Α. Α RESOLUTION OF THE CITY OF BOERNE RATIFYING Α PURCHASE BY CITY STAFF **AND** Α PAYMENT TO **ERGON ASPHALT AUTHORIZING** & **EMULSIONS** FOR CHIP SEAL EMULSION FOR A TOTAL **AMOUNT** NOT TO **EXCEED \$57,588.91.** (Materials for street repairs)

Mayor Handren called on Mr. Jeff Carroll, Development Services Director. Mr. Carroll explained that material for chip seal of city streets was purchased in the summer in the amount of \$48,000.01. Additional material is needed for paving the cemetery at a cost of \$9,588.90. Because the total budgeted amount exceeds \$50,000.00, City Council approval is necessary for the expenditure.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2022-R46; A RESOLUTION OF THE CITY OF BOERNE RATIFYING A PURCHASE BY CITY STAFF AND AUTHORIZING A PAYMENT TO ERGON ASPHALT & EMULSIONS FOR CHIP SEAL EMULSION FOR A TOTAL AMOUNT NOT TO EXCEED \$57,588.91. (MATERIALS FOR STREET REPAIRS). 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

7. CITY MANAGER'S REPORT:

Mayor Handren called on City Manager Ben Thatcher to provide the City Manager's Report.

B. AMERICAN PUBLIC GAS ASSOCIATION (APGA) SAFETY AWARD.

Thatcher asked Mr. Mike Mann. Utilities Director Citv Manager to provide information the American Public Gas Association Safety Award. on Mr. Mann stated that this was a National award and Boerne is the only Texas City to award for the year 2021. safety He recognized and appreciation to the employees of the Gas Department in the audience and staff Andrea Snouffer administrative and Crystal Barrera who are at Water conference.

A. TEXAS PUBLIC POWER ASSOCIATION (TPPA) SYSTEM ACHIEVEMENT AWARD.

continued with Texas Public Power Association Achievement Mr. Mann This award was given to the city for the 15 year project creating two LCRA eight feeder routes back substations, for up power giving reliability and redundancy in the electric system. Mr. Mann recognized Mr. Terry Nolan, Operations Administrator and Glenn Garcia, Electric Superintendent audience and administrative staff Snouffer and Crystal Andrea are at a Water conference.

C. PRESENTATION OF CITY'S WATER DASHBOARD.

Mr. Mann continued with the Water Dashboard on the city's website. He displayed how the dashboard works and the data that is available. This web page creates a one stop shop for utilities. The Dashboard can be found on the City of Boerne Utilities Operation page. Maintenance of the website will be a priority. City Manager Thatcher stated that there are state agencies that are

impressed with the Dashboard and may duplicate for their use.

Mr. Thatcher expressed appreciation to Mike Mann and Terry Nolan and staff for taking serious the excellence of the city values. Mr. Thatcher reminded everyone that tomorrow is the first day of school. Police Chief Perez and his staff are on task and expect nothing but a great day tomorrow.

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

appreciation to the Police Council Member Boddie expressed Chief, the School Officers Resource and school staff for their preparation before school starts. He wished them the best.

Mayor Pro Tem Wolosin asked everyone to plan ahead to allow travel time to department school. thanked He the street for striping the streets and crosswalks in preparation for school. Wolosin Mayor Pro Tem also stated that NOAA posted the precipitation data from 1895 to date which shows that 2022 is in the top 5 driest years since 1895.

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

Mayor Handren did not convene the City Council into Executive Session.

10. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

11. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 6:37 p.m.

	Approved:
	 Mayor

City Council	Official Meeting Minutes	August 9, 2022
Attest:		
City Secretary		

City of Source Boerne	AGENDA ITEM SUMMARY District Impacted
Agenda Date	August 16, 2022
Requested Action	CONSIDER MAYORAL APPOINTMENT OF DENVER MCCARTY, JR. TO THE ETHICS REVIEW COMMISSION.
Contact Person	Mayor Tim Handren and Lori Carroll, City Secretary
Background Information	It is Mayor Handren's recommendation that the City Council appoint Mr. Denver McCarty Jr. as an Alternate Member on the Ethics Review Commission.
Item Justification	 [] Legal/Regulatory Obligation [] Reduce Costs [] Customer Pull [] Increase Revenue [] Service Enhancement [] Mitigate Risk [] Process Efficiency [] Master Plan [x] Other: Mayoral Recommendation
Financial Considerations	
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	

City of Boerne	AGENDA ITEM SUMMARY District Impacted
Agenda Date	August 16, 2022
Requested Action	APPROVE RESOLUTION NO. 2022-R47; ADOPTING THE CITY OF BOERNE LOGO AND USAGE STANDARDS.
Contact Person	Chris Shadrock, Communications Director
Background Information	With successful passage of this resolution, City Council is affirming the City story and visual look as an important component of City communications, advertising, branding, and marketing. In November 2021, the City of Boerne began the process of selecting the appropriate firm to help the City establish a unifying brand for the City. In Feb. 2022, the City of Boerne hired BrandFirst to create a new logo and create the story of Boerne. BrandFirst conducted extensive market research to identify the unique assets of the City of Boerne as perceived by City staff, residents, and stakeholders. It was this successful research process that formed the basis for development of the City of Boerne story, brand concept, and brand visuals; and We believe the City Council finds it necessary to approve a City logo, and City story for the City of Boerne.
Item Justification	[] Legal/Regulatory Obligation [] Infrastructure Investment [] Reduce Costs [] Customer Pull [] Increase Revenue [] Service Enhancement [] Mitigate Risk [] Process Efficiency [] Master Plan [] Other:
Financial Considerations	

Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	

RESOLUTION NO. 2022-R47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ADOPTING THE CITY OF BOERNE LOGO AND USAGE STANDARDS

WHEREAS, the City story and visual look is an important component of City communications, advertising, branding, and marketing; and

WHEREAS, the City of Boerne hired BrandFirst to create a new logo; and

WHEREAS, BrandFirst conducted extensive market research to identify the unique assets of the City of Boerne as perceived by City staff, residents and stakeholders; and

WHEREAS, the research conducted by BrandFirst formed the basis for development of the City of Boerne story, brand concept, and brand visuals; and

WHEREAS, the City has determined that marketing of the City can be best accomplished with a consistent logo used on all documents and correspondence; and

WHEREAS, the City Council finds it necessary to approve a City logo, and City story, attached as "Exhibit A", as the new logo for the City of Boerne;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

SECTION 1. The above recitals are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2. The City Council hereby adopts the City logo and City story as attached in "Exhibit A".

SECTION 3. The City logo may not be used without the express written consent of the City.

SECTION 4. That all previous City logo images are replaced with the one adopted herein.

PASSED and APPROVED on this the _	day of August, 2022.
	APPROVED:
ATTEST:	Mayor
City Secretary	

City of Sold Boerne	AGENDA ITEM SUMMARY District Impacted	
Agenda Date	August 16, 2022	
Requested Action	I MOVE THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2022-R48; CALLING FOR A BOND ELECTION.	
Contact Person	Lori A. Carroll, City Secretary	
Background Information	Certain types of securities secured by ad valorem property taxes must first be authorized by the voters. The process begins with the city council calling a bond election no more than 90 days or less than 78 days before the election. The election must be held on a uniform election date. The attached Resolution authorizes the City Manager to enter into an agreement with Kendall County Elections to conduct the city's elections as well as provides information regarding the two propositions and details of the Early Voting hours and locations and Election Day polling locations and hours. Because this is a joint election, the Early Voting hours and Election Day polling locations may change at the discretion of the Elections Administrator. Required notices will published in the newspapers as well on the city's website when election day nears. The city is responsible for all formal actions required by law within the election process.	
Item Justification	[x] Legal/Regulatory Obligation [] Infrastructure Investment [] Reduce Costs [] Customer Pull [] Increase Revenue [] Service Enhancement [] Mitigate Risk [] Process Efficiency [] Master Plan [] Other: Recommendation	
Financial Considerations	Anticipate the cost to be between \$10,000 and \$15,000 depending on the number of entities participating in the joint election.	
Citizen Input/Board Review	Total Continue Franklands & Develope & Collections	
into	egrity ◆ Service ◆ Excellence ◆ Respect ◆ Collaboration	

Legal Review	Resolution provided by Norton Rose Fulbright US LLP
Alternative Options	
Supporting Documents	Resolution

RESOLUTION NO. 2022-R48

A RESOLUTION CALLING A BOND ELECTION TO BE HELD IN THE CITY OF BOERNE, TEXAS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the City Council (the *Council*) of the CITY OF BOERNE, TEXAS (the *City*), located in Kendall County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue general obligation bonds of the City in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the City will contract with the Elections Administrator (the *Administrator*) of the County to conduct all aspects of the Election; and

WHEREAS, the Election will be held jointly with other political subdivisions (such other political subdivisions, collectively, the *Participants*) for whom the County is also conducting their elections, as provided pursuant to the provisions of one or more joint election agreements or contracts among the City, the County, and the Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code, or other applicable law, pursuant to which the County will conduct all aspects of the Election on the City's behalf; and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City necessitates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS THAT:

<u>SECTION 1.</u> The Election shall be held in the CITY OF BOERNE, TEXAS on the 8th day of November, 2022 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not less than 78 days nor more than 90 days from the date of the adoption of this resolution (the *Resolution*), for the purpose of submitting the following propositions to the qualified voters of the City:

PROPOSITION A (STREETS)

"Shall the City Council of the City of Boerne, Texas be authorized, in accordance with applicable law, to issue and sell one or more series of

general obligation bonds of the City, in the aggregate principal amount of not more than \$23,000,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the City Council, for the purpose of making permanent public improvements other public or purposes, designing, demolishing, constructing, renovating, improving, reconstructing, restructuring and extending streets and thoroughfares and related land and right-of-way sidewalks, streetscapes, collectors, drainage, signage, landscaping and beautification, upgrading technology and traffic signals, acquiring lands and rights-of-way necessary thereto or incidental therewith, with priority given to the following street projects:

- Adler Road
- W. Blanco Road (adjacent to Main Plaza)
- W. Kronkosky St.
- Shooting Club Road
- Parkway Drive

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above or determining that the public improvement project will not proceed for a reason heretofore described, the City Council may, in its discretion, use any excess funds for constructing, reconstructing, restructuring, and extending other streets and thoroughfares and related land and right-of-way sidewalks, streetscapes, collectors, drainage, signage, landscape and beautification, acquiring lands and rights-of-way necessary thereto or incidental therewith; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, within the limitations prescribed by law, annual ad valorem taxes on all taxable property in the City sufficient to pay the annual interest and sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

PROPOSITION B (PARKS AND RECREATION)

"Shall the City Council of the City of Boerne, Texas be authorized, in accordance with applicable law, to issue bonds of the City, in one or more series or issues and in the aggregate principal amount of \$13,000,000 with such series or bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by

105274638.5

applicable law at the time of any such issuance), as shall all be determined within the discretion of the City Council, for the purpose of making permanent public improvements or for other public purposes, to wit: acquiring, constructing, equipping, renovating, and landscaping park, recreation, and open space improvements and additions including public facilities located in and integral to such parks, acquiring necessary lands and rights-of-way, with priority given to the following projects:

- Northside Community Park
- Northrup Park
- City Park
- Northside Neighborhood Park

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above or determining that the public improvement project will not proceed for a reason heretofore described, the City Council may, in its discretion, use any excess funds for acquiring, constructing, equipping, renovating, and landscaping and beautification, park, recreation, and open space improvements and additions including public facilities located in and integral to such parks, acquiring necessary lands and rights-of-way; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, within the limitations prescribed by law, annual ad valorem taxes on all taxable property in the City sufficient to pay the annual interest and sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

SECTION 2. One or more City election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the City election precincts as identified in Exhibit A to this Resolution (which is incorporated herein by reference for all purposes). At least 79 days prior to Election Day, or as soon thereafter as is reasonably practicable, the City, acting through the Mayor, the City Manager, or the designee thereof, in coordination with the Administrator, or the designee thereof, as necessary or desirable, will appoint the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Resolution based upon the final locations and times agreed upon by the Administrator, the City, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the

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polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

- B. On Election Day, the polls shall be open as designated on Exhibit A. The County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any City voter can vote in the Election at any polling place identified in Exhibit A.
- C. The main early voting location is designated in Exhibit B to this Resolution (which is hereby incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrator, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the City to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the City shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with State and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

<u>SECTION 4.</u> The City is authorized to utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., Texas Election Code, as amended. The

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Administrator, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code, as amended. The Council hereby appoints the Administrator, or the designee thereof, as the Tabulation Supervisor and the Administrator, or the designee thereof, as the Programmer for the Station. Lastly, the Administrator will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code, as amended.

<u>SECTION 5.</u> The official ballot shall be prepared in accordance with the Texas Election Code, as amended, so as to permit voters to vote "FOR" or "AGAINST" the aforesaid Propositions which shall appear on the ballot substantially as follows:

PROPOSITION A

"THE ISSUANCE OF BONDS IN THE AMOUNT OF \$23,000,000 FOR STREETS, INTERSECTIONS, AND SIDEWALKS AND THE LEVYING OF A TAX IN PAYMENT THEREOF"

PROPOSITION B

"THE ISSUANCE OF BONDS IN THE AMOUNT OF \$13,000,000 FOR PARKS, RECREATION, AND OPEN SPACE IMPROVEMENTS AND THE LEVYING OF A TAX IN PAYMENT THEREOF"

<u>SECTION 6.</u> All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places set forth in Exhibit A. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, Chapters 1251 and 1331, as amended, Texas Government Code, and as may be required by any other law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. Moreover, a substantial copy of this Resolution and the voter information attached as Exhibit C, including a Spanish translation thereof, shall be posted (i) at City Hall not less than 21 days prior to Election Day; (ii) at three additional public places within the City not less than 21 days prior to Election Day, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the City's internet website not less than 21 days prior to Election Day. A sample ballot shall be posted on the City's internet website not less than 21 days prior to Election Day.

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SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the City, as of the date of this Resolution, had outstanding an aggregate principal amount of debt equal to \$61,715,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$20,910,284; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.0784 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Council's adoption of this Resolution, the maximum interest rate for any series of bonds authorized at the Election is 5.00% (expressed as a net effective interest rate applicable to any such series of bonds). The bonds that are the subject of this Election shall mature serially or otherwise overall a specified number of years (not more than 40 years from their date), as preserved by applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 20-year period from their respective date of issue. The foregoing estimated maximum net effective interest rate and amortization period are only estimates, provided for Texas statutory compliance; they do not serve as a cap on the per annum interest rate at which any series of bonds authorized at the Election may be sold, or the amortization period for bonds that are the subject of this Election.

SECTION 9. The Council authorizes the Mayor, the City Manager, or their respective designee, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements with the County, acting by and through the Administrator, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Manager, or their respective designee of either of such parties to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein. To the extent that any duty or obligation of the City, in general, or any City official, in particular, is properly delegated to the County pursuant to a joint election agreement, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such joint election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of applicable Texas law concerning the Election relative to the same. By incorporating all essential terms necessary for a joint election agreement, this Resolution is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the City Council. To the extent needed or desirable, the Administrator is hereby appointed joint custodian of voted ballots for the purposes of Section 31.096, as amended, Texas Election Code.

<u>SECTION 10.</u> The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

<u>SECTION 11.</u> All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of

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such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordained herein.

<u>SECTION 12.</u> This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

<u>SECTION 13.</u> It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

<u>SECTION 14.</u> If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Resolution would have been enacted without such invalid provision.

<u>SECTION 15.</u> Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Resolution shall be effective immediately upon adoption.

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PASSED AND APPROVED on this t	he day of August, 2022.
	APPROVED:
	Mayor
ATTEST:	
City Secretary	
(CITY SEAL)	

Exhibit A

ELECTION DAY POLLING PLACES

Election Day: November 8, 2022

Election Day Polling Places open from 7 a.m. to 7 p.m. Presiding Judges: to be determined by the Administrator

Polling Places

City Hall (Training Room) 447 N. Main Street, Boerne, Texas 78006 First Baptist Church (HUB) 631 S. School Street, Boerne, Texas 78006 Bergheim Volunteer Fire Department 1 Old Curry Creek Road, Bergheim, Texas 78004

Burdick Community Center 119 Old San Antonio Road, Boerne, Texas 78006

Kendall County Fairgrounds (New Hall) 1307 River Road, Boerne, Texas 78006

Kendalia Community Center 2610 FM 473, Kendalia, Texas 78027 Boerne Bible Church 1026 E. Blanco Road, Boerne, Texas 78006 Sisterdale Community Center 2 Sisterdale-Lindendale Road, Sisterdale, Texas 78006

Comfort Baptist Church 100 Amber Drive, Comfort, Texas 78013 Waring Fire House 11 Waring Road, Boerne, Texas 78006 Nineteen: Ten Church 130 FM 1376, Boerne, Texas 78006

Kendall County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code. Registered voters will be able to cast their Election Day ballots at any of the polling places listed on the Kendall County website in addition to the above polling places.

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Exhibit B

EARLY VOTING

Early voting begins Monday, October 24, 2022 and ends on Friday, November 4, 2022.

Early voting clerk: Staci Decker, 221 Fawn Valley Drive, Suite 100, Boerne, Texas 78006.

Presiding Judge of the Early Voting Ballot Board: Staci Decker

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting Site.

Main Early Voting Polling Place	Permanent Branch Early Voting Polling Place
Kendall County Courthouse Annex	Kendall County Courthouse Annex
221 Fawn Valley Drive	221 Fawn valley Drive
Boerne, Texas 78006	Boerne, Texas 78006

Early Voting Hours For All Polling Places

Monday, October 24, 2022 through Friday, October 28, 2022	8:00 am – 6:00 pm
Saturday, October 29, 2022	To be determined
Monday, October 31, 2022 through Wednesday,	8:00 am - 6:00 pm
November 2, 2022	
Thursday, November 3, 2022 through Friday,	7:00 am - 7:00 pm
November 4, 2022	

Early Voting By Mail

Applications for voting by mail must be received no later than the close of business (5:00 p.m.) on Friday, October 28, 2022. Applications should be sent to:

Elections Administrator
Staci Decker
P.O. Box 2384
Boerne, Texas 78006
fax: (830) 331-8295
email: elections@co.kendall.tx.us

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

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Exhibit C

VOTER INFORMATION DOCUMENT

Boerne, Texas Proposition A:

□ FOR	"THE ISSUANCE OF BONDS IN THE AMOUNT OF \$23,000,000 FOR
□ AGAINST	STREETS, INTERSECTIONS, AND SIDEWALKS AND THE LEVYING OF A TAX IN PAYMENT THEREOF"

principal of debt obligations to be authorized	\$23,000,000
estimated interest for the debt obligations to be authorized presuming an interest rate of 4.60%	\$14,998,479
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 20 years	\$37,998,479
as of the date the election was ordered, principal of all outstanding debt obligations	\$61,715,000
as of the date the election was ordered, the estimated interest on all outstanding debt obligations	\$20,910,284
as of the date the election was ordered, the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 18 years	\$82,625,284
estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved	\$37.90
This figure assumes the amortization of the City's debt obligations, including outstanding debt obligations and the proposed debt obligation; changes in estimated future appraised values within the City; and the assumed interest rate on the proposed debt obligations.	

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VOTER INFORMATION DOCUMENT

Boerne, Texas Proposition B:

□ FOR	"THE ISSUANCE OF BONDS IN THE AMOUNT OF \$13,000,000 FOR
□ AGAINST	PARKS, RECREATION, AND OPEN SPACE IMPROVEMENTS AND THE LEVYING OF A TAX IN PAYMENT THEREOF"

principal of debt obligations to be authorized	\$13,000,000
estimated interest for the debt obligations to be authorized presuming an interest rate of 4.60%	\$8,478,311
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 20 years	\$21,478,311
as of the date the election was ordered, principal of all outstanding debt obligations	\$61,715,000
as of the date the election was ordered, the estimated interest on all outstanding debt obligations	\$20,910,284
as of the date the election was ordered, the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 18 years	\$82,625,284
estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved	\$21.40
This figure assumes the amortization of the City's debt obligations, including outstanding debt obligations and the proposed debt obligation; changes in estimated future appraised values within the City; and the assumed interest rate on the proposed debt obligations.	

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