

MINUTES
The Board of Directors of the
Boerne Public Facility Corporation
Meeting at 4:30 p.m. on
Tuesday, September 26, 2017
In City Council Chambers
At 124 Old San Antonio Road
Boerne, TX 78006

Minutes of the Boerne Public Facility Corporation Board of Directors Meeting held September 26, 2017 at 4:30 p.m.

Present **6 -** Charlie Boyd IV, Craig Colvin, Joe Anzollitto, Michael Schultz, Nina Woolard, and Ron Cisneros

Board Member Anzollitto arrived at 4:33 p.m.

Registered/ Recognized Guests: Ron Bowman, Siria Arreola, Lori Carroll, Kirsten Cohoon, Sandy Mattick, Mike Raute, Jeff Thompson, and Linda Zartler.

1. [2017-728](#) ELECTION OF CHAIRMAN OF MEETING UNTIL OFFICERS ELECTED

A MOTION WAS MADE BY BOARD MEMBER WOOLARD, SECONDED BY BOARD MEMBER CISNEROS, TO ELECT MICHAEL SCHULTZ AS CHAIRMAN OF THE MEETING UNTIL OFFICERS ELECTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Boyd IV, Colvin, Woolard, and Cisneros

Absent: 1 - Anzollitto

2. [2017-731](#) CALL TO ORDER

Chairman Schultz called the Boerne Public Facility Corporation Board of Directors Meeting to order at 4:31 p.m.

3. PUBLIC COMMENTS

No public comments were received.

4. [2017-729](#) CONSIDERATION AND ADOPTION OF BOERNE PUBLIC FACILITY CORPORATION'S ARTICLES AND BYLAWS

Chairman Schultz called on Mr. Jeff Thompson. Mr. Thompson stated a correction has been submitted to the Secretary of State for the accurate spelling of Board Member Anzollitto's last name.

A MOTION WAS MADE BY BOARD MEMBER CISNEROS, SECONDED BY BOARD MEMBER WOOLARD, TO APPROVE THE ADOPTION OF BOERNE PUBLIC FACILITY CORPORATION'S ARTICLES AND BYLAWS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Boyd IV, Colvin, Anzollitto, Woolard, and Cisneros

5. ELECTION OF OFFICERS OF BOERNE PUBLIC FACILITY CORPORATION

(a) [2017-730](#) CHAIRMAN/PRESIDENT

A MOTION WAS MADE BY BOARD MEMBER WOOLARD, SECONDED BY BOARD MEMBER COLVIN, TO ELECT MICHAEL SCHULTZ AS BOERNE PUBLIC FACILITY CORPORATION'S CHAIRMAN/PRESIDENT OF THE BOARD OF DIRECTORS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Boyd IV, Colvin, Anzollitto, Woolard, and Cisneros

(b) [2017-732](#) VICE CHAIRMAN/VICE PRESIDENT

A MOTION WAS MADE BY BOARD MEMBER CISNEROS, SECONDED BY BOARD MEMBER ANZOLLITTO, TO ELECT BOARD MEMBER WOOLARD AS BOERNE PUBLIC FACILITY CORPORATION'S VICE CHAIRMAN/VICE PRESIDENT OF THE BOARD OF DIRECTORS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Boyd IV, Colvin, Anzollitto, Woolard, and Cisneros

(c) [2017-733](#) SECRETARY/TREASURER

A MOTION WAS MADE BY VICE CHAIRMAN WOOLARD, SECONDED BY BOARD MEMBER ANZOLLITTO, TO ELECT BOARD MEMBER CISNEROS AS BOERNE PUBLIC FACILITY CORPORATION'S SECRETARY/TREASURER OF THE BOARD OF DIRECTORS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Boyd IV, Colvin, Anzollitto, Woolard, and Cisneros

(d) [2017-734](#) ASSISTANT SECRETARIES

A MOTION WAS MADE BY VICE CHAIRMAN/VICE PRESIDENT WOOLARD, SECONDED BY BOARD MEMBER ANZOLLITTO, TO ELECT THE DEPUTY CITY MANAGER AND CITY SECRETARY AS ASSISTANT SECRETARIES OF THE BOARD OF DIRECTORS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Boyd IV, Colvin, Anzollitto, Woolard, and Cisneros

6. [2017-735](#) ESTABLISHING THE FISCAL YEAR OF THE CORPORATION TO MATCH THE CITY'S FISCAL YEAR, AUTHORIZING THE CORPORATION TO OPEN A BANK ACCOUNT WITH THE CITY'S DEPOSITORY BANK, DESIGNATING NORTON ROSE FULBRIGHT US LLP AS THE CORPORATION'S ATTORNEYS, AND APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT TO REIMBURSE THE CITY

A MOTION WAS MADE BY BOARD MEMBER COLVIN, SECONDED BY SECRETARY/TREASURER CISNEROS, TO APPROVE ESTABLISHING THE FISCAL YEAR OF THE CORPORATION TO MATCH THE CITY'S FISCAL YEAR, AUTHORIZING THE CORPORATION TO OPEN A BANK ACCOUNT WITH THE CITY'S DEPOSITORY BANK, DESIGNATING NORTON ROSE FULBRIGHT US LLP AS THE CORPORATION'S ATTORNEYS, AND APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT TO REIMBURSE THE CITY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Boyd IV, Colvin, Anzollitto, Woolard, and Cisneros

7. BRIEFING REGARDING A PROPOSAL BY 210 DEVELOPMENT GROUP REGARDING A PUBLIC PRIVATE PARTNERSHIP TO CONSTRUCT AND OWN A 161 UNIT SENIOR HOUSING FACILITY AT 3 SHOOTING CLUB ROAD, BOERNE, TEXAS

(a) [2017-736](#) BRIEFING BY CITY STAFF

Chairman Michael Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated there is a need for diversity of housing. The proposed housing project from 210 Development Group is an age restricted project. Staff is in support of this project.

(b) [2017-737](#) JOEL POLLACK WITH 210 DEVELOPMENT GROUP WILL MAKE A PRESENTATION REGARDING THE PROJECT

Chairman Schultz called on Dave Richardson of 210 Development Group. Mr.

Joel Pollack was unable to attend the meeting due to unforeseen circumstances. Mr. Richardson stated this apartment complex will be high quality for seniors ages 62 and above. At least 50 % of the units will be for seniors whose incomes are at or below 60 % of the area median income. The remainder will be at market rate. 210 Development Group plans to apply for a waiver to increase to 70 % of units. There will be a full service kitchen, activities director, and library. A site plan was displayed. Discussion ensued about the number of stories for the apartment complex, whether an elevator will be available, and the rental rates.

(c) [2017-738](#) JIM PLUMMER WITH NORTON ROSE FULBRIGHT US LLP WILL DISCUSS THE LEGAL STRUCTURE AND CORPORATION'S ROLE

Chairman Schultz called on Mr. Jim Plummer, Attorney for the Boerne Public Facility Corporation (PFC). Mr. Plummer stated the proposed development will be 161 units, for seniors only. The PFC should not assume the risk of construction, operations or debt. The PFC will enter into a partnership agreement, development agreement, and lease of the project with the development entity. Mr. Plummer explained the PFC would issue bonds to help finance the project and would create a single member limited liability company to serve as the general partner of the tax credit partnership. The PFC will own the land and lease it to the tax credit partnership for 75 years. Discussion ensued about how the money is funneled back to the city and the amount of time it takes and any use restrictions. A concern regarding the cost of rent for this type of housing vs. regular apartments arose.

(d) [2017-739](#) EXECUTIVE SESSION, IF NEEDED, PURSUANT TO SECTION 551.071, CONSULTATION WITH ATTORNEY AND SECTION 551.087, ECONOMIC DEVELOPMENT MATTERS, OF THE TEXAS GOVERNMENT CODE

Meeting did not convene into Executive Session.

8. [2017-740](#) CONSIDERATION AND POSSIBLE APPROVAL OF A NONBINDING INDUCEMENT RESOLUTION AUTHORIZING 210 DEVELOPMENT GROUP OR ITS AFFILIATE TO APPLY FOR VOLUME CAP FOR TAX

EXEMPT BONDS AND OTHER DEBT AND EQUITY FINANCING

Discussion ensued among Board Members about whether this project is the right fit for the senior citizens of Boerne and level of commitment. Mr. Plummer clarified the Resolution for consideration tonight does not bind the PFC to the project. It is a Resolution of support for the developer to apply for housing tax credits.

A MOTION WAS MADE BY SECRETARY/TREASURER CISNEROS, SECONDED BY BOARD MEMBER COLVIN, TO APPROVE A NONBINDING INDUCEMENT RESOLUTION AUTHORIZING 210 DEVELOPMENT GROUP OR ITS AFFILIATE TO APPLY FOR VOLUME CAP FOR TAX EXEMPT BONDS AND OTHER DEBT AND EQUITY FINANCING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Colvin, Woolard, and Cisneros

Nay: 2 - Boyd IV, and Anzollitto

9. RECONVENE IF NECESSARY AFTER CITY COUNCIL MEETING

Meeting did not reconvene.

10. ADJOURNMENT

A MOTION WAS MADE BY BOARD MEMBER BOYD IV, SECONDED BY SECRETARY/TREASURER CISNEROS, TO ADJOURN THE BOERNE PUBLIC FACILITY CORPORATION BOARD OF DIRECTORS MEETING AT 5:33 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Boyd IV, Colvin, Anzollitto, Woolard, and Cisneros

Assistant Secretary