

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**March 9, 2021 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of March 9, 2021.

Due to the COVID-19 pandemic, this meeting was held telephonically only as allowed by the Governor of Texas during this public health emergency.

**Present:** 6 - Mayor Tim Handren, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Quinten Scott, Council Member Bryce Boddie, and Council Member Joseph Macaluso

**1. CALL TO ORDER – 6:00 PM**

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

**INVOCATION**

Lori Balensiefen with the First United Methodist Church provided the Invocation.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

**3. [2021-259](#) 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)

Charles Riddle spoke on the UDC, asking the purpose of the rezonings. He stated that the rezoning affects commercial property owners. He suggested that the UDC be postponed indefinitely.

Sharon Ramey stated that she and her husband own commercial property in the downtown area. She was not aware of how much rezoning will be affected by the UDC. They bought the property as an investment.

Adam Harkrider suggested that more time was needed on the UDC to get the zoning correct. He owns property on Herff Road and feels the restrictions go a little too far.

Jeb Wait stated that he sent a letter on Sunday which speaks to the UDC and the rezoning. He feels more time is needed.

Linda McCarthy stated that she owns commercial property downtown. They made the financial decision to purchase the property based on what she was told by the city at the time. She feels decisions are hasty and rules have changed.

#### **4. CONSENT AGENDA:**

- A. [2021-258](#) **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON FEBRUARY 23, 2021.**

THE MINUTES WERE APPROVED.

- B. [2021-249](#) **CONSIDER ON SECOND READING ORDINANCE NO. 2021-11; 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 7.33 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007), 119 AND 125 ADLER STREET (KAD NO. 20009 AND 20010) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Greenway Cottage Builders, LLC/ Dave Luciani, applicants original request was for R-2 zoning.)**

THE ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY MAYOR PRO TEM WOOLARD TO APPROVE 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 Boddie, and Council Member Macaluso

Mayor Handren asked the City Council Members if they had any objections moving the Executive Session before the Regular Agenda to discuss agenda item 5.B. in addition to 9.A.

No objections were declared.

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

Mayor Handren convened the City Council in Executive Session at 6:16 p.m.

**A. [2021-257](#) SECTIONS 551.071 - CONSULTATION WITH ATTORNEY REGARDING LEGAL MATTERS RELATED TO HTeaO APPLICATION.**

Discussion began at 6:19 p.m. and ended at 6:35 p.m.

No action was taken.

**5. B. Proposed adoption of the revised city of Boerne zoning map and Unified Development Code Text Amendments.**

Discussion began at 6:35 p.m. and ended at 7:29 p.m.

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 7:36 p.m.

No action was taken.

**REGULAR AGENDA****5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:****A. [2021-247](#) RECEIVE THE COMPREHENSIVE ANNUAL REPORT (CAFR) FROM ABIP, PC FOR FISCAL YEAR 2019-2020.**

Mayor Handren called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated that the Comprehensive Annual Report (CAFR) was completed and will be posted on the city's website after accepted by the City Council. The approved CAFR will be submitted to the Government Finance Officers Association (GFOA) for consideration of the Certificate of Achievement for Excellence in Financial Reporting Program. Ms. Mattick introduced Ms. Janet Pitman, Audit Partner with the firm ABIP, PC. Ms. Pitman provided the results of audit.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE AND ACCEPT THE COMPREHENSIVE ANNUAL REPORT (CAFR) FROM ABIP, PC FOR FISCAL YEAR 2019-2020. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**B. 2021-251 PROPOSED ADOPTION OF THE REVISED CITY OF BOERNE ZONING MAP AND UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS.****I. PRESENTATION****II. PUBLIC HEARING**

Mayor Handren called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning stated that the amended ordinance under consideration simply delays the effective date of the UDC until May 26. She addressed the concerns from the community regarding the UDC.

Mayor Handren opened the Public Hearing at 8:53 p.m.

Patti Mainz stated she owns several properties in downtown area. She suggested that the UDC be delayed indefinitely. She questioned why the zoning has to change. She expressed concerns with the cost and process of Special Use Permits(SUPs).

Charles Riddle stated that he felt there was a lack of clarification across the board with too many inconsistencies. He suggested the UDC be postponed indefinitely.

Adam Harkrider stated that he felt there was a consensus that no one really knew this was happening.

Tom McCarthy stated that he doesn't like the property owner's rights being taken away. The city has had these regulations in place for 30 years. He feels that Boerne is developed correctly now. He does not want SUPs. He suggested that the UDC be paused indefinitely. He would like to have been involved in the beginning. He just didn't know this was happening.

Frank Halspiel stated he was in agreement with the other comments.

Ben Eldredge stated he is a member of UDC committee. The UDC consistently references the Master Plan. A holistic outcome is needed. A lot of due diligence took place in developing the proposed UDC. He hoped that the UDC is not trashed because some are upset.

Mayor Handren closed the Public Hearing at 9:08 p.m.

**C. [2021-253](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-12; 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 COUNCIL MEMBER MACALUSO, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2021-12; 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 Boddie, and Council Member Macaluso

**D. [2021-252](#) CONSIDER ORDINANCE NO. 2021-12; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE NO. 2020-29, CAPTIONED, "ADOPTING A UNIFIED DEVELOPMENT CODE THAT INCORPORATES ZONING, SUBDIVISION, SIGN AND DEVELOPMENT ORDINANCES" BY AMENDING THE EFFECTIVE DATE FROM MARCH 24, 2021 TO MAY 26, 2021. (Change effective date of the UDC)**

Council Member Scott felt more time was needed to do it right.

Council Member Wolosin stated that answers are still needed. He feels 60 days is a sufficient time period. If necessary, it can be extended.

Council Member Macaluso stated that he doesn't want it open-ended. He feels 60 days is a sufficient time period which can be extended if necessary.

Mayor Pro Tem stated that there is an extreme amount of concern within the community and city council. She recommended 120 days to show the community we hear their concerns and want to get it right. Time is needed to review concerns without being pressured.

Council Member Boddie stated that he is in agreement with 120 days. There needs to be a timeline and not leave it open-ended.

Mayor Handren suggested also that quarter increments would work also.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ORDINANCE NO. 2021-12; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE NO. 2020-29, CAPTIONED, "ADOPTING A UNIFIED DEVELOPMENT CODE THAT INCORPORATES ZONING, SUBDIVISION, SIGN AND DEVELOPMENT ORDINANCES" BY AMENDING THE EFFECTIVE DATE FROM MARCH 24, 2021 TO JUNE 23, 2021. (CHANGE EFFECTIVE DATE OF THE UDC). THE MOTION FAILED BY THE FOLLOWING VOTE:

**Yeah:** 2 - Council Member Wolosin, and Council Member Macaluso

**Nay:** 3 - Mayor Pro Tem Woolard, Council Member Scott, and Council Member Boddie

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE ORDINANCE NO. 2021-12; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE NO. 2020-29, CAPTIONED, "ADOPTING A UNIFIED DEVELOPMENT CODE THAT INCORPORATES ZONING, SUBDIVISION, SIGN AND DEVELOPMENT ORDINANCES" BY AMENDING THE EFFECTIVE DATE FROM MARCH 24, 2021 TO JULY 28, 2021. (CHANGE EFFECTIVE DATE OF THE UDC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**Nay:** 1 - Council Member Wolosin

Mayor Handren asked for a monthly update on the topic.

**E. [2021-254](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-13; 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 SCOTT, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2021-13; 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 Boddie, and Council Member Macaluso

**F. [2021-250](#) CONSIDER ORDINANCE NO. 2021-13; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE NO. 2021-10, CAPTIONED, "ADOPTING THE ENGINEERING DESIGN MANUAL" BY AMENDING THE EFFECTIVE DATE FROM MARCH 24, 2021 TO MAY 26, 2021. (Change effective date to match the UDC)**

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ORDINANCE NO. 2021-13; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE NO. 2021-10, CAPTIONED, "ADOPTING THE ENGINEERING DESIGN MANUAL" BY AMENDING THE EFFECTIVE DATE FROM MARCH 24, 2021 TO JULY 28, 2021. (CHANGE EFFECTIVE DATE TO MATCH THE UDC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**Nay:** 1 - Council Member Wolosin

**G. [2021-248](#) CONSIDER ON FIRST READING ORDINANCE NO. 2021-14; AN ORDINANCE ESTABLISHING SPEED LIMITS ON PORTIONS OF RANGER CREEK ROAD, UPPER BALCONES ROAD, EAST SHOOTING CLUB ROAD, OLD SAN ANTONIO ROAD, AND CASCADE CAVERNS ROAD; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. (Establish speed limits on newly annexed roads)**

Mayor Handren reminded the City Council that these roadways were recently annexed into the city limits. Discussion ensued regarding if consideration was given to the Shoreline development on Ranger Creek Road with the proposed speed limit. City Engineer Cheryl Rogers stated that once Shoreline was developed, the speed limit would be reviewed.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ON FIRST READING ORDINANCE NO. 2021-14; AN ORDINANCE ESTABLISHING SPEED LIMITS ON PORTIONS OF RANGER CREEK ROAD, UPPER BALCONES ROAD, EAST SHOOTING CLUB ROAD, OLD SAN ANTONIO ROAD, AND CASCADE CAVERNS ROAD; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. (ESTABLISH SPEED LIMITS ON NEWLY ANNEXED ROADS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

## 6. OTHER ITEMS:

### A. [2021-246](#) SEMI-ANNUAL UPDATE FROM BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION PRESIDENT AND CEO, AMY STORY.

Mayor Handren asked Amy Story, President and CEO of the Boerne Kendall County Economic Development Corporation to provide a semi-annual update. Ms. Story presented a brief recap of 2020 and reviewed projects that are in the horizon for 2021.

## 7. CITY MANAGER'S REPORT:

Mayor Handren called on City Manager Ben Thatcher to present his City Manager Report. Mr. Thatcher stated a waiting list has been created for those wanting the COVID-19 Vaccine. As of this afternoon, March 9, 2021, approximately 2,300 people have signed up. The link to sign up on the wait list is on the city's website. The City was allocated another 1,000 doses and the County another 500 doses.

### A. [2021-255](#) 2020 TREE CITY USA (Zincke)

City Manager Thatcher asked Mr. Danny Zincke, Community Services Director to provide an update on the 2020 Tree City USA. Mr. Zincke stated this is the 11th year the city was recognized as a Tree City USA. 240 trees were planted in

public spaces this year. He recognized various organizations that have helped with the process.

**B. [2021-256](#) LEGISLATIVE UPDATE (Quirk)**

City Manager Thatcher stated that City Attorney Barbara Quirk will defer the Legislative Update until the next meeting on March 23, 2021.

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

Council Member Boddie stated that the Boerne Greyhounds fell short tonight by 6 points. They did an outstanding job this year.

Council Member Wolosin stated that the Lady Greyhounds last week made it to the Final Four and the boys soccer team won District championship. The Champion Chargers are doing well also.

Mayor Handren stated that he hoped that the folks recognize that they were heard tonight. He appreciated the comments.

**11. ADJOURNMENT**

Mayor Handren adjourned the City Council meeting at 9:49 p.m.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Secretary