

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**April 13, 2021 – 6:00 PM**

Minutes of the Regular City Council meeting of April 13, 2021.

**Present:**       **5 -**   Mayor Tim Handren, Council Member Ty Wolosin, Council Member Quinten Scott, Council Member Bryce Boddie, and Council Member Joseph Macaluso

**Absent:**       **1 -**   Mayor Pro Tem Nina Woolard

Council Member Macaluso was present virtually.

**Staff Present:** Ben Thatcher, Jeff Thompson, Lori Carroll, Siria Arreola, Paul Barwick, Jeff Carroll, Jim Kohler, Mike Mann, Nick Montagno, Barbara Quirk, Mike Raute, Chris Shadrock, Laura Talley, and Danny Zincke.

**Guests Present:** Suzanne Rittimann, Vanessa Brown, Jack and Alexis Short, Frank Valeskey, Joseph Pritko, Debbie Pritko, and Christina Ryrholm.

**1. CALL TO ORDER – 6:00 PM**

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

Council Member Boddie provided the Invocation.

Mayor Handren led the Pledge of Allegiance to the United States Flag and the Texas Flag.

**2. CONFLICTS OF INTEREST**

No conflicts of interest were declared.

**3. PUBLIC COMMENTS:**

City Secretary Lori Carroll read a public comment submitted through email by Mr. Charles Riddle. Mr. Riddle expressed his concerns regarding the Unified Development Code Zoning Map.

**4. CONSENT AGENDA:****A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 23, 2021.**

Minutes were approved.

**B. CONSIDER RESOLUTION NO. 2021-R12; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE IN SUPPORT OF HB NO. 3883 RELATING TO DEVELOPMENT REGULATIONS FOR CERTAIN UNINCORPORATED AREAS LOCATED WITHIN THE HILL COUNTRY PRIORITY GROUNDWATER MANAGEMENT AREA; AND HB NO. 3884 RELATING TO THE AUTHORITY OF A COUNTY TO REGULATE LOT FRONTAGES ON CERTAIN ROADS.**

Resolution was approved.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE CONSENT AGENDA ITEMS 4A. AND 4B. AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**C. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR MAY 11, 2021:****I. PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION**

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**OF KAD NO. 20028 AND ALL OF KAD NO. 63697). (Jay Parker/Trophy Properties)**

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR MAY 11, 2021. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**II. PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO (KAD NO. 300529). (Alan Naul/ J-B Boerne Realty, LP)**

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR MAY 11, 2021. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**REGULAR AGENDA:**

**5. RESOLUTIONS:**

**A. CONSIDER RESOLUTION NO. 2021-R13; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT FOR ADDITIONAL SERVICES TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND MOSAIC PLANNING AND DEVELOPMENT SERVICES, INC. FOR THE BOERNE UNIFIED DEVELOPMENT CODE FOR AN AMOUNT NOT TO EXCEED \$26,400.00. (Additional coordination, outreach, mapping and meetings for the Unified Development Code)**

Mayor Handren called on Ms. Laura Haning, Planning and Development

Director. Ms. Haning stated that with the extension of the Unified Development Code (UDC) effective date, it will be necessary to amend the contract with MOSAIC Planning and Development Services, Inc. The additional expense includes meetings, mapping and materials for community outreach.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2021-R13; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT FOR ADDITIONAL SERVICES TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND MOSAIC PLANNING AND DEVELOPMENT SERVICES, INC. FOR THE BOERNE UNIFIED DEVELOPMENT CODE FOR AN AMOUNT NOT TO EXCEED \$26,400.00. (ADDITIONAL COORDINATION, OUTREACH, MAPPING AND MEETINGS FOR THE UNIFIED DEVELOPMENT CODE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**B. CONSIDER RESOLUTION NO. 2021-R14; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHANGE ORDER TO THE AGREEMENT DATED FEBRUARY 25, 2020 BETWEEN THE CITY OF BOERNE AND PAWELEK & MOY FOR ADDITIONAL SERVICES TO THE JOHNS ROAD RECONSTRUCTION PROJECT FOR AN AMOUNT NOT TO EXCEED \$28,900.00. (Subsurface drainage system, detention pond modifications and necessary field survey work)**

Mayor Handren called on Mr. Jeff Carroll, Development Services Director. Mr. Carroll stated that in early 2020, an engineering firm Pawelek & Moy began the design and prepared bid documents for roadway improvements for Johns Road, east of Main Street. It was determined that groundwater under the pavement was the cause of the pavement failures. The subsurface drainage system, detention pond modifications, and necessary field survey work was not included in the initial scope of work, therefore a change order in the amount of \$28,900.00 is needed.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R14; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHANGE ORDER TO THE AGREEMENT DATED FEBRUARY 25, 2020 BETWEEN THE CITY OF BOERNE AND PAWELEK & MOY FOR ADDITIONAL SERVICES TO THE JOHNS ROAD RECONSTRUCTION PROJECT FOR AN AMOUNT NOT TO EXCEED \$28,900.00. (SUBSURFACE DRAINAGE SYSTEM, DETENTION POND MODIFICATIONS AND NECESSARY FIELD SURVEY WORK). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**C. CONSIDER RESOLUTION NO. 2021-R15; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND ECOSYSTEM PLANNING & RESTORATION, LLC FOR RIVER ROAD PARK BANK STABILIZATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$177,397.00. (Design and construction plan to address bank erosion along River Road Park)**

Mayor Handren called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick displayed a map of the area on River Road as well as the photos of where the proposed restoration project will take place. He stated that irrigation is included in the project. Discussion ensued regarding community engagement, life expectancy of the project, improving the other side of the creek, and what we have learned from recent drainage studies which will assist with this project.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE RESOLUTION NO. 2021-R15; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND ECOSYSTEM PLANNING & RESTORATION, LLC FOR RIVER ROAD PARK BANK STABILIZATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$177,397.00. (DESIGN AND CONSTRUCTION PLAN TO ADDRESS BANK EROSION ALONG RIVER ROAD PARK). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**D. CONSIDER RESOLUTION NO. 2021-R16; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND LUCK DESIGN TEAM, LLC FOR WATERWORKS TERRACE PARK AND SPLASH PAD IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$86,700.00.**

Mr. Barwick continued with background information regarding developing Waterworks Terrace Park and Splash Pad. He displayed a map of the Waterworks Terrace area. A total of 14 proposals were received for this project. The agreement has two phases, Phase I is a study to see if it is feasible to do this project and will determine if Phase 2 is even necessary. Staff will bring the results of the study to City Council once received.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO TABLE UNTIL THE APRIL 27, 2021 CITY COUNCIL MEETING RESOLUTION NO. 2021-R16; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND LUCK DESIGN TEAM, LLC FOR WATERWORKS TERRACE PARK AND SPLASH PAD IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$86,700.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**6. ORDINANCES:**

- A. CONSIDER ON FIRST READING ORDINANCE NO. 2021-15; AN ORDINANCE AMENDING ORDINANCE NO. 2020-21, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2021"; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. (Budget amendments)

Mayor Handren called on Ms. Angie Rios, Assistant Finance Director. Ms. Rios stated that due to the uncertainty effects of the COVID-19 pandemic, the fiscal year 2021 budget was adopted using conservative revenue projections. She reviewed the proposed budget amendments.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2021-15; AN ORDINANCE AMENDING ORDINANCE NO. 2020-21, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021"; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. (BUDGET AMENDMENTS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**7. OTHER ITEMS:**

- A. RECEIVE BRIEFING ON THE BOERNE POLICE DEPARTMENT 2020

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**ANNUAL REPORT TO INCLUDE THE ANNUAL REPORT ON RACIAL PROFILING.**

Mayor Handren called on Police Chief Jim Kohler. Chief Kohler reviewed the 2020 officer awards, college degrees completed, merits and complaints, and racial profiling. He also discussed the Annual Crime Report and activity statistics. Chief Kohler stated that we are blessed to live in a great community with great community support.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE AND ACCEPT THE 2020 ANNUAL REPORT TO INCLUDE THE ANNUAL REPORT ALONG WITH THE STATISTICAL DATA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**Absent:** 1 - Mayor Pro Tem Woolard

**B. DISCUSSION ON UNIFIED DEVELOPMENT CODE EFFECTIVE DATE AND TIMELINE.**

Mayor Handren called on Ms. Laura Haning. Ms. Haning stated that July 28, 2021 is the effective date of the Unified Development Code. The timeline will be on the City website and a mailer will be sent out to city residents. She reviewed major milestone dates for staff, MOSAIC and additional meetings that will be held.

**8. CITY MANAGER'S REPORT:**

**A. COVID-19 VACCINE UPDATE (Thatcher)**

Mayor Handren called on City Manager Ben Thatcher. Mr. Thatcher provided an update on Kendall County statistics on COVID-19 vaccinations. Mayor Handren stated that in addition to city and county employees, we have had a lot of volunteers working the vaccination hubs.

**B. IH-10 TxDOT PROJECT UPDATE (J Carroll/Kohler)**

City Manager Thatcher asked Mr. Jeff Carroll, Development Services Director to



brief the City Council on the recent meeting with TxDOT regarding the timeline for Business 87 closures.

**C. YARD WASTE COLLECTION (Thompson)**

City Manager Thatcher asked Mr. Jeff Thompson, Deputy City Manager to update the City Council regarding the collection of brush pick up due to the storms. City residents will receive an additional free pickup in April and May. Mr. Thompson mentioned that the Native Plant Society offers a service to the public. A member of the Society will come to your home and make recommendations for plantings.

**D. LEGISLATIVE UPDATE (Quirk)**

City Manager Thatcher asked City Attorney Barbara Quirk to provide an update of the proposed city related bills in the Texas Legislature. Ms. Quirk also referenced the Texas Municipal League as providing up to date information pertaining to the various bills.

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

Council Member Wolosin stated that he participated with Kronkosky Place to deliver Meals on Wheels with the volunteers. He expressed appreciation to Boerne ISD for keeping the mask policy in the schools. He also congratulated the Boerne High School soccer teams for a successful year.

Mayor Handren stated that Judge Lux and the Council Commissioners would not be providing a county ex-officio to the PFC Board.

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

**A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH SPENCER RANCH AND SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING SAME.**

Mayor Handren convened the City Council into Executive Session at 8:31 p.m.  
Discussion began at 8:35 p.m.

No action was taken.

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

Mayor Handren reconvened City Council into Open Session at 9:12 p.m.

Council Member Macaluso did not reconvene into Open Session.

No action was taken.

**12. ADJOURNMENT**

Mayor Handren adjourned the City Council at 9:12 p.m.

Approved:

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Mayor

Attest:

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City Secretary