

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**May 25, 2021 – 6:00 PM**

Minutes of the Regular Called City Council meeting of May 25, 2021.

**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, Paul Barwick, Pam Bransford, Jeff Carroll, Lori Carroll, Laura Haning, Mike Mann, Nick Montagno, Barbara Quirk, Mike Raute, Jeff Thompson, Larry Woods, Mary Woods, and Danny Zincke.

**Recognized/Registered Guests:**   Robert Imler, Christina Ryholm, Zachary Wright Taylor, Amy Story, and Ben Eldredge.

**1. CALL TO ORDER – 6:00 PM**

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

Mayor Handren 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:**

Bob Imler, 215 W. Bandera Road provided several articles to the City Council regarding managing growth. He also provided three copies of the DVD Chinatown. He spoke about concerns of how growth will effect our water resources.

**4. CONSENT AGENDA:**

- A. CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF MAY 11, 2021.

THE MINUTES WERE APPROVED.

- B. CONSIDER ON SECOND READING ORDINANCE NO. 2021-16; 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, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) PLAN OVERLAY DISTRICT DESIGNATION TO THE INDIVIDUAL PROPERTY (6.479 ACRES) LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ORDINANCE NO. 2021-09 AND ALL OTHER ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

THE ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN TO APPROVE THE CONSENT AGENDA AS PRESENTED. 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

**REGULAR AGENDA:****5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:**

- A. CONSIDER ON SECOND READING ORDINANCE NO. 2021-17; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. PROCEDURES, TO ADD SECTION 09. DORMANCY FOR PERMITS AND PROJECTS. (Procedures determining vesting rights and dormancy for plats and projects)

Mayor Handren called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning reminded the City Council of the discussion regarding the proposed change to the Subdivision Ordinance at the May 11, 2021 Council meeting. There has not been any changes to the ordinance since initially presented.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON SECOND READING ORDINANCE NO. 2021-17; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. PROCEDURES, TO ADD SECTION 09. DORMANCY FOR PERMITS AND PROJECTS. (PROCEDURES DETERMINING VESTING RIGHTS AND DORMANCY FOR PLATS AND PROJECTS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**Nay:** 1 - Council Member Scott

**B. CONSIDER ON FIRST READING ORDINANCE NO. 2021-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING A PENALTY PROVISION; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE. (Film Friendly Texas Program)**

Mayor Handren called on Mr. Larry Woods, Convention and Visitors Bureau Director. Mr. Woods discussed the advantages of the proposed ordinance. Ms. Mary Woods, Special Projects Manager stated that the Texas Film Commission requires an official document and will advocate for Boerne. Discussion ensued regarding concerns with possible interruption of traffic and cost for advertising when these production companies come to Boerne.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2021-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING A PENALTY PROVISION; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE. (FILM FRIENDLY TEXAS PROGRAM). 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. RESOLUTIONS

**A. CONSIDER RESOLUTION NO. 2021-R18; A RESOLUTION RESCINDING RESOLUTION NO. 2000-R31; AND ESTABLISHING PROCEDURES AND DECORUM FOR THE CITY COUNCIL OF THE CITY OF BOERNE.**

Mayor Handren called on Ms. Lori Carroll, City Secretary. Ms. Carroll stated that the City's Charter states that the City may determine its own rules and order of business. The current Rules of Procedure were passed by the City Council in the year 2000. Ms. Carroll highlighted the proposed updates to the Procedures and Decorum for the City Council.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE RESOLUTION NO. 2021-R18; A RESOLUTION RESCINDING RESOLUTION NO. 2000-R31; AND ESTABLISHING PROCEDURES AND DECORUM FOR THE CITY COUNCIL OF THE CITY OF BOERNE, TO INCLUDE MOMENT OF SILENCE/INVOCATION TO THE ORDER OF BUSINESS. 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. OTHER ITEMS:

**A. DISCUSSION REGARDING TRANSPORTATION PLANNING COMMITTEE.**

Mayor Handren stated that the Transportation Planning Committee has once again started meeting after a break during the COVID pandemic. He stated that he feels like we are 10 to 20 years behind where we should be in regards to the growth. If any portion of the Kendall Gateway Study would have been approved, it would be 10 years before we would have seen any change. Mayor Handren mentioned that a bond issue is needed to get transportation projects completed, but doesn't want to compete with the school district who is planning a bond issue next year. He stated that a list of specific, not generic, projects are needed for a bond issue to pass. Discussion ensued regarding the Alamo Area Metropolitan Planning Organization (MPO) currently is in process of voting on projects, the need for road projects and overhaul of sidewalks sooner than later, and the need to implement the Thoroughfare Plan.

**8. CITY MANAGER'S REPORT:****A. MONTHLY PROJECT UPDATE.**

Mayor Handren called on City Manager Ben Thatcher. Mr. Thatcher provided the status of the various 2021 city projects.

**B. LEGISLATIVE UPDATE. (Quirk)**

City Manager Thatcher asked Ms. Barbara Quirk, City Attorney to provide a legislative update. Ms. Quirk stated that the last day of the session is Monday, May 31, 2021. Sunday, May 30, 2021, both houses will meet to review the bills that involve amendments. She reviewed various city related bills that have died and that are expected to pass.

**C. UNIFIED DEVELOPMENT CODE UPDATE. (Haning)**

City Manager Thatcher asked Ms. Laura Haning, Planning and Community Development Director to provide a status of the Unified Development Code (UDC). She discussed the meetings held and the outreach efforts. She stated that staff has received 30 official comments. There was a great turn out at the

UDC Open House on May 24, 2021, however only five comments were received from the open house. The UDC will go to the Planning and Zoning Commission on June 14, 2021 for a recommendation to the City Council. The City Council will receive a spreadsheet with changes from the initial document. Discussion ensued regarding the need to make sure current commercial property owners are heard and not wanting to miss small details, making sure the details don't get lost. Discussion also ensued regarding the time period that vacant commercial property owners can ask for rezoning. Mayor Handren stated that the UDC will be the single most important tool that the City will have once approved.

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

Mayor Pro Tem Wolosin congratulated all the high school graduates.

Council Member Boddie added congratulations to all of BISD for getting through the year. He also stated that the Noise Committee has met and is making progress.

Mayor Handren stated Jay Middleton is working on plans for an October Fest in Boerne to be held on October 9, 2021. He has asked for the City's support. Several events will be happening that weekend in Boerne.

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

Mayor Handren convened the City Council into Executive Session at 7:27 p.m.

Mayor Handren asked that the order of the Executive Session change, discussing item C. first, and item A. last.

- C. 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.**

Discussion began at 7:31 p.m. and ended at 7:41 p.m. No action was taken.

**B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH TEXAS STAR NUT & FOOD CO.**

Discussion began at 7:42 p.m. and ended at 8:05 p.m. No action was taken.

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

Discussion began at 8:05 p.m. and ended at 8:07 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 the City Council into Open Session at 8:07 p.m.

No action was taken.

**A. CONSIDER RESOLUTION NO. 2021-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE SPENCER RANCH DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, L.P., EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA.**

No action was taken.

**ADJOURNMENT**

Mayor Handren adjourned the City Council at 8:08 p.m.

Approved:

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Mayor

Attest:

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City Secretary