

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
June 8, 2021 – 6:00 PM

Minutes of the Regular Called City Council meeting of June 8, 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

Council Member Macaluso attended virtually.

Staff Present: Ben Thatcher, Siria Arreola, Paul Barwick, Jeff Carroll, Lori Carroll, Laura Haning, Nick Montagno, Terry Nolan, Barbara Quirk, Mike Raute, Chris Shadrock, Andrea Snouffer, Robert Taylor, Jeff Thompson, Larry Woods, Mary Woods, and Danny Zincke.

Recognized/Registered Guests: Christina Ryholm, Paula Beaton, Michael Bowie, Carlin Friar, Susan Friar, Frank Valadez, Josh Valenta, Caroline McDonald, Hunter Schwarz, and John S. Mayberry.

1. CALL TO ORDER – 6:00 PM

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

Mayor Handren asked Mr. Gary Cook from the First Baptist 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

No conflicts were declared.

3. PUBLIC COMMENTS:

Paula Beaton, 118 Lake Front spoke regarding the Shoreline Park Subdivision. She expressed concerns with the construction silt fencing which she will be reporting the failure during the heavy rains to various agencies.

Michael Bowie, 103 Lake Spur Drive spoke regarding the Shoreline Park Subdivision. He expressed concerns with the construction silt fencing and the potential damage that could be caused to the Boerne Lake. He also spoke on the Film Friendly Ordinance.

4. CONSENT AGENDA:

A. CONSIDER THE MINUTES OF THE MAY 25, 2021 REGULAR CITY COUNCIL MEETING.

THE MINUTES WERE APPROVED.

B. CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT 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. PROPOSED REZONING OF 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT. (Jay Parker, Trophy Properties)

I. PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-19; 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 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Mayor Handren called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning displayed the location map of the property as well as a proposed site plan. She stated that the property owner has requested the property be rezoned from B-2 to R-3. The City Council recently approved the Planned Unit Development (PUD) plan for the property. Discussion ensued regarding drainage. Mr. Frank Valadez who represented the developer, stated the original plan was for 20 townhome units, but the decision was made to scale back to 18 townhomes due to the drainage study results. The developer is currently studying the option to add a water capture system. Mr. Josh Valenta spoke for the engineer, he stated that the engineer

plans have not been completed.

Mayor Handren opened the Public Hearing 6:19 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:19 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN TO APPROVE ON FIRST READING ORDINANCE NO. 2021-19; 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 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. 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

B. PROPOSED REZONING OF 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (James S. Schuepback)

I. PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-20; 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 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Ms. Haning continued with the location of the property under consideration at 606 Frey Street. A map was displayed. Ms. Haning stated that the property owner plans on remodeling the existing structure to be used as an office. The Planning and Zoning Commission voted in favor of the rezoning. Discussion ensued regarding encroachment on residential properties and parking.

Mayor Handren opened the Public Hearing at 6:28 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:29 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE TO APPROVE ON FIRST READING ORDINANCE NO. 2021-20; 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 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO O, OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. 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

6. RESOLUTIONS:

- A. CONSIDER RESOLUTION NO. 2021-R20; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, APPROVING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE (TA) CALL FOR PROJECTS.**

Mayor Handren called on Mr. Paul Barwick, Special Projects Director to discuss the project submittal to TxDOT to extend existing trails from the Patrick Heath Public Library to connect Curington Elementary School, extend Old No. 9 from Garden Street to the intersection of Main Street, Adler Road, and School Street, and construct a steel pedestrian bridge to replace a wooden bridge on Old No. 9. Discussion ensued regarding easements, design, and matching funds.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R20; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, APPROVING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE (TA) CALL FOR PROJECTS. 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. CONSIDER ANNUAL MAYORAL APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS.**

Mayor Handren stated that he has been involving the Chairs and Liaisons from the various Boards and Commissions to decide the best fit for a Board or Commission member. Mayor Handren listed his recommendations.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE THE ANNUAL MAYORAL APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS 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

8. CITY MANAGER'S REPORT:

Mayor Handren called on City Manager Thatcher.

A. STORMWATER MANAGEMENT UPDATE. (J Carroll)

City Manager Thatcher called on Development Services Director Jeff Carroll to provide an update to the City's stormwater management. Mr. Carroll discussed drainage, the recharge zones, the Boerne Lake and flood control projects, historic floods, average rainfall, and the new Stormwater Utility.

B. LEGISLATIVE UPDATE. (Quirk)

City Manager Thatcher asked Ms. Barbara Quirk, City Attorney to provide a legislative update. Ms. Quirk stated that the Governor has until June 15, 2021 to sign the bills or they automatically become law. She reviewed the status of various bills that will effect municipalities

Mr. Thatcher introduced Robert Taylor in the audience who is new to our communications department.

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

No comments were received.

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

Mayor Handren convened the City Council into Executive Session at 7:38 p.m.

- 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 7:41 p.m. and ended at 7:42 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 7:44 p.m.

- A. **CONSIDER RESOLUTION NO. 2021-R21; 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.**

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R21; 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. 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

12. ADJOURNMENT

Mayor Handren adjourned the City Council at 7:45 p.m.

Approved:

Mayor

Attest:

City Secretary