

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
January 12, 2021 – 6:00 PM

Minutes of the Regular City Council meeting of January 12, 2021 at 6:00 p.m.

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

Staff Present: Ben Thatcher, Jeff Carroll, Lori Carroll, Jim Kohler, Sandy Mattick, Barbara Quirk, Mike Raute, Angie Rios, Laura Talley, and Jeff Thompson. Kelly Skovbjerg attended virtually.

Recognized Guests Virtually: Christina Ryholm, Zachary Taylor Wright, Don Durden, Gary Louie, Jason Hubbert, Bob Manning, Carissa Cox, Staron Faucher, Sayla Don Selman, Kody Selma, Stephen Aniol, Rick Roseberg, Pastor Eric Waters, and Stephanie Leibe.

1. CALL TO ORDER – 6:00 PM

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

INVOCATION

Mayor Handren asked Pastor Eric Waters of the St. John Lutheran Church to provide the invocation.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. [2021-114](#) RECEIVE AN UPDATE FROM THE TRANSPORTATION PLANNING COMMITTEE.

Mayor Handren introduced the co-chairs of the Transportation Planning Committee Bob Manning and County Commissioner Don Durden. Commissioner Durden stated that this same interim report was presented to County Commissioners yesterday and will be presented to Fair Oaks Ranch City Council. He provided a brief history of the Committee which was formed in July 2019. Bob Manning discussed the process and procedures of the formation of the committee. The meetings are posted and open to the public for transparency purposes. Eight infrastructure recommendations were presented. Four of which are in the County. Commissioner Durden discussed potential funding sources. Non-project recommendations were also presented. Discussion ensued regarding roundabouts, speed limits, the movement of traffic and safety needs.

No action was taken.

4. [2021-113](#) **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)

Kody Selma, sales manager for Pantusa Towing and Recovery LLC spoke on agenda item 8A. Mr. Selma stated that they have made application to be added to the towing rotation list. They have cutting edge technology and have the capability to add GPS to a call. They have some of the best drivers in South Texas. Pantusa Towing and Recovery LLC has been in business for 5 years.

5. **CONSENT AGENDA:** All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

- A. [2021-100](#) **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF DECEMBER 8, 2020.**

THE MINUTES WERE APPROVED.

- B. [2021-103](#) CONSIDER ON SECOND READING ORDINANCE NO. 2020-30; 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 0.494 ACRES LOCATED AT 115 STAHL STREET (KAD NO. 20028) FROM R-3, HIGH-DENSITY RESIDENTIAL DISTRICT, TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Bichouse LLC, Gerhard M. Schruf)

THE ORDINANCE WAS APPROVED.

- C. [2021-104](#) CONSIDER ON SECOND READING ORDINANCE NO. 2020-31; 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 13, PERMANENT ZONING OF 5.01 ACRES LOCATED AT 30 CASCADE CAVERNS ROAD (KAD NO. 25666) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO O, OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Las Cascadas Holdings)

THE ORDINANCE WAS APPROVED.

- D. [2021-115](#) CONSIDER RESOLUTION NO. 2021-R01; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 1, 2021. (Considerar la resolución número 2021-R01; una resolución que establece los procedimientos para la elección general del 1 de mayo, 2021)

THE RESOLUTION WAS APPROVED.

- E. [2021-105](#) CALL FOR A PUBLIC HEARING REGARDING THE ADOPTION OF THE REVISED CITY OF BOERNE ZONING MAP AND UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS ON FEBRUARY 9, 2021

AT 6:00 P.M.

CALLING FOR A PUBLIC HEARING WAS APPROVED.

F. RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR FEBRUARY 9, 2021 ON THE FOLLOWING:

THE RECOMMENDATIONS WERE APPROVED AND PUBLIC HEARING SET.

- a. [2021-106](#) PROPOSED REZONING OF 5.53 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT AND LEAVING THE R-1 ZONING FOR 1.8 ACRES LOCATED AT 119 AND 125 ADLER STREET (KAD NOS. 20009 AND 20010) AND A SMALL NORTHWEST PORTION OF 134 GARDEN STREET. (TOTAL PROJECT OF 7.33 ACRES - GREENWAY COTTAGE BUILDERS, LLC/ DAVE LUCIANI, PROPERTY OWNER REQUESTED R-2 ZONING)
- b. [2021-107](#) PROPOSED REZONING OF 3.57 ACRES LOCATED AT 322 NORTH PLANT AVENUE (KAD NO. 1999) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO R-2, MODERATE DENSITY RESIDENTIAL. (VICTOR SHEELY/ SOURCE TEXAS, LLC)
- c. [2021-108](#) PROPOSED REZONING OF 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529) FROM B-2, HIGHWAY COMMERCIAL TO R-2, MODERATE DENSITY RESIDENTIAL (ALAN NAUL/J-B BOERNE REALTY, LP).
- d. [2021-109](#) PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN, FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529) (ALAN NAUL/ J-B BOERNE REALTY, LP).

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE 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

REGULAR AGENDA:

6. PUBLIC HEARINGS, PRESENTATIONS, AND ORDINANCES:

A. [2021-116](#) PRESENTATION AND PUBLIC HEARING TO CONSIDER THE PROPOSED ADOPTION OF THE REVISED ZONING MAP AND UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS. (First of two hearings)

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed the proposed zoning map which will be discussed in more detail at the workshop on January 21, 2021. She also displayed a draft map of the overlay districts and the timeline for approval of the amendments, overlays, design manual and zoning map.

Mayor Handren opened the Public Hearing at 7:17 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:18 p.m.

B [2021-119](#) PUBLIC HEARING TO CONSIDER PROPOSED ANNEXATION OF THE FOLLOWING ROADWAYS OR RIGHT-OF-WAY AT THE REQUEST OF THE KENDALL COUNTY (First of two hearings):

a. [2021-127](#) RANGER CREEK ROAD - FROM THE SOUTHWEST CORNER OF BOERNE WATER TREATMENT PLANT PARCEL, APPROXIMATELY 5,890 FEET WEST OF IH10, IN A WESTERN DIRECTION APPROXIMATELY 4,630 FEET TO THE SOUTHWEST CORNER OF

LAKE COUNTRY SUBDIVISION.

Mayor Handren opened the Public Hearing at 7:18 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:18 p.m.

- b. [2021-120](#) **UPPER BALCONES ROAD NORTHERN PORTION - FROM A POINT APPROXIMATELY 150 FEET SOUTH OF THE INTERSECTION OF UPPER BALCONES AND COUGHRAN ROAD, IN A SOUTHERN DIRECTION, APPROXIMATELY 820 FEET.**

Mayor Handren opened the Public Hearing at 7:20 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:21 p.m.

- c. [2021-122](#) **UPPER BALCONES ROAD SOUTHERN PORTION - FROM A POINT APPROXIMATELY 1,340 FEET SOUTH OF THE INTERSECTION OF UPPER BALCONES AND COUGHRAN ROAD, IN A SOUTHERN DIRECTION, APPROXIMATELY 1,420 FEET.**

Mayor Handren opened the Public Hearing at 7:21 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:21 p.m.

- d. [2021-123](#) **E. SHOOTING CLUB ROAD - THE PORTION SOUTHEAST OF SISTERDALE ROAD (FM 1376).**

Mayor Handren opened the Public Hearing at 7:21 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:21 p.m.

- e. [2021-124](#) OLD SAN ANTONIO ROAD NORTHERN PORTION - FROM A POINT APPROXIMATELY 2,710 FEET SOUTH OF THE INTERSECTION OF OLD SAN ANTONIO ROAD AND HERFF ROAD, IN A SOUTHERN DIRECTION APPROXIMATELY 1,390 FEET.

Mayor Handren opened the Public Hearing at 7:22 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:22 p.m.

- f. [2021-125](#) OLD SAN ANTONIO ROAD SOUTHERN PORTION - FROM A POINT APPROXIMATELY 390 FEET NORTH OF THE INTERSECTION OF OLD SAN ANTONIO ROAD AND INDUSTRIAL DRIVE, IN A SOUTHERN DIRECTION APPROXIMATELY 685 FEET.

Mayor Handren opened the Public Hearing at 7:22 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:23 p.m.

- g. [2021-126](#) CASCADE CAVERN ROAD - FROM THE INTERSECTION OF CASCADE CAVERNS ROAD AND OLD FREDERICKSBURG ROAD, APPROXIMATELY 680 FEET WEST.

Mayor Handren opened the Public Hearing at 7:23 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 7:23 p.m.

7. RESOLUTIONS:

- A. [2021-118](#) CONSIDER RESOLUTION NO. 2021-R02; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, ADOPTING A POLICY FOR PUBLIC

IMPROVEMENT DISTRICTS.

Mayor Handren called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson reminded the City Council Members of the previous discussion regarding establishing a policy for Public Improvement Districts (PID). He explained that a PID is an economic development funding alternative and not a tax unlike the formation of a WCID or MUD and that there is no cost to the City or anyone that resides outside the PID. He reviewed the purpose of a PID Policy. Discussion ensued regarding proper disclosures when a home is purchased and applying a PID to new developments only but could be applied to existing developments with required procedures for City Council approval.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE RESOLUTION NO. 2021-R02; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, ADOPTING A POLICY FOR PUBLIC IMPROVEMENT DISTRICTS. 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

8. OTHER ITEMS:

A. [2021-110](#) CONSIDER REQUEST FROM PANTUSA TOWING & RECOVERY, LLC AS A THIRD PROVIDER FOR THE MASTER TOW TRUCK ROTATION LIST.

Mayor Handren called on Police Chief Jim Kohler. Chief Kohler stated that Staff received an application from Pantusa Towing and Recovery LLC to be added to the City of Boerne's master tow truck rotation list. The City currently has two companies on rotation. Discussion ensued regarding the decreased number of tows, the ability of the current two companies to handle the necessary tows, and response time.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO DENY THE REQUEST FROM PANTUSA TOWING & RECOVERY, LLC AS A THIRD PROVIDER FOR THE MASTER TOW TRUCK ROTATION LIST. 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

9. CITY MANAGER'S REPORT:

A. [2021-111](#) STORMWATER UTILITY UPDATE. (Mattick & Thompson)

City Manager Ben Thatcher asked Deputy City Manager Jeff Thompson to speak on the new Stormwater Utility Fee which went into effect on January 1, 2021 and will be reflected in the January 19, 2021 utility bills. Mr. Thompson reviewed how the fees are collected and the breakdown for residential and commercial customers. There has been announcements on the city's website, local newspapers, utility bills as well as social media.

B. [2021-112](#) PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION FOR FISCAL YEAR 2018-2019. (Mattick)

City Manager Thatcher announced that the City's Finance Department received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for Fiscal Year 2018-2019. This will make the 33rd consecutive year to receive award.

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

Council Member Wolosin commended City Manager Thatcher for suggesting an opportunity of a neighborhood community engagement program. It is good to meet with developers and urge them to be engaged in the community.

Council Member Scott stated that he had a developer that didn't want to get involved in community engagement which led to a lot of controversy in the

development.

Council Member Macaluso stated that he continues to hear that Boerne is to hard to do business with. If standards set and developers are urged to get involved, the community will get behind the developers.

Mayor Handren announced that he has been in contact with the regional health authority regarding setting up a regional distribution center in Boerne. The City will take the lead to make this happen. He spoke to Balous Miller who was appointed to the state's COVID Task Force. Mr. Miller stated that he will speak to the Governor to encourage this endeavor.

11. ADJOURNMENT

Mayor Handren adjourned the City Council at 8:12 p.m.

Approved:

Mayor

Attest:

City Secretary