

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**May 11, 2021 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of May 11, 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 was virtually present.

**Staff Present:**   Ben Thatcher, Siria Arreola, Lori Carroll, Ray Hacker, Robert Lee, Lyle Mattick, Sandy Mattick, Barbara Quirk, Mike Raute, Steve Simon, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, and Danny Zincke.

**Recognized/Registered Guests:**   Christina Ryholm, Jay Parker, Frank Valadez, Tracy Hacker, Laura Bray, Brian Fox, Steve Grotjohn, and Cole Grotjohn.

**1. CALL TO ORDER – 6:00 PM**

**INVOCATION**

Mayor Handren asked Father Brian Fox of St. Helena's Episcopal 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. [2021-439](#) ADMINISTER THE OATH OF OFFICE TO THE MAYOR, CITY COUNCIL MEMBER DISTRICT 2, AND CITY COUNCIL MEMBER DISTRICT 4**

City Secretary Lori Carroll administered the Oath of Office to Tim Handren, Mayor; Nina Woolard, City Council Member District 2, and Bryce Boddie, City Council Member District 4.

**4. [2021-440](#) CONSIDER THE ELECTION OF MAYOR PRO-TEM FOR MAY 2021 - MAY 2022.**

Mayor Handren stated that the Mayor Pro Tem is elected annually at the first regular meeting of the City Council following a regular election. The Mayor Pro-Tem shall act as a Mayor during the absence of the Mayor.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE, TO ELECT COUNCIL MEMBER WOLOSIN AS MAYOR PRO-TEM FOR MAY 2021 - MAY 2022. 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

**5. PUBLIC COMMENTS:**

No comments were received.

**6. CONSENT AGENDA:**

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, 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

- A. [2021-438](#) CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF APRIL 27, 2021.

THE MINUTES WERE APPROVED.

- B. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 8, 2021:

THE PLANNING AND ZONING COMMISSION RECOMMENDATION WAS APPROVED.

- [2021-442](#) I. 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)

- C. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 8, 2021:

THE PLANNING AND ZONING COMMISSION RECOMMENDATION WAS APPROVED.

- [2021-443](#) 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)

#### REGULAR AGENDA:

#### 7. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2021-444](#) 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 OF KAD NO. 20028 AND ALL OF KAD NO. 63697). (Jay Parker/Trophy Properties)

##### I. PRESENTATION

##### II. PUBLIC HEARING

**III. CONSIDER PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS.**

Mayor Handren called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning discussed the Planned Unit Development (PUD) process and displayed a map of the property under consideration located at 115 Stahl Street. She discussed the proposed plan for the location. Ms. Haning stated that the Planning and Zoning Commission recommended a walking path be added to the south side of the development. Discussion ensued regarding the traffic count and drainage, density and green space. Mr. Frank Valadez, architect with SA Partnership spoke to the size of the proposed townhomes, parking, and providing an option of elevators to each unit with a roof terrace.

Mayor Handren opened the Public Hearing at 6:25 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:25 p.m.

A MOTION WAS MADE BY COUNIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE THE 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 OF KAD NO. 20028 AND ALL OF KAD NO. 63697). (JAY PARKER/TROPHY PROPERTIES) 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. [2021-445](#) CONSIDER 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)**

Ms. Haning continued with the Planned Unit Development (PUD) plan for the property located in the Commons at Menger Creek on Old San Antonio Road.

She displayed a map of the location. Ms. Haning clarified that at the February City Council meeting, the PUD plan for this property was discussed, however the ordinance which was approved was for the Overlay District. This agenda item corrects the discrepancy.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE THE 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) 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

C. [2021-446](#) **PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT 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)**

**I. PRESENTATION**

**II. PUBLIC HEARING**

**III. CONSIDER ON FIRST 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.**

Ms. Haning continued with proposed Planning Unit Development (PUB) Overlay District discussion for the property located at the Commons at Mender Creek

on Old San Antonio Road.

Mayor Handren opened the Public Hearing at 6:30 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:30 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST 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 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

**D. [2021-447](#) CONSIDER ON FIRST 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. Haning, Planning and Development Director to discuss the proposed amendment to the Subdivision Ordinance, adding a section on dormancy for permits and projects. Discussion ensued regarding the proposed timeline. Ms. Haning stated that this ordinance will only be in effect until the Unified Development Code (UDC) is effective. The new UDC will address the vesting and dormancy.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ON FIRST 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

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

Mayor Handren called on City Manager Ben Thatcher to provide the City Manager's report.

##### **A. [2021-378](#) SEMI-ANNUAL STAFF PRESENTATION FROM THE CONVENTION AND VISITOR'S BUREAU. (L Woods)**

City Manager Thatcher asked Mr. Larry Woods, Convention and Visitors Bureau Director to provide an update on the Convention and Visitors Bureau. Mr. Woods discussed the new Visitor's Guide, advertising, occupancy and revenue derived from the local hotel/motels as well as the newest video advertisement for Boerne.

##### **B. [2021-450](#) FIRE DEPARTMENT ACTIVITY UPDATE. (Hacker)**

City Manager Thatcher asked Fire Chief Ray Hacker to provide an update on the fire department activity. Chief Hacker discussed the various Kendall County Fire Districts, the increase fire call volume, and the employee make-up of the department. He introduced newly promoted Assistant Chief/Fire Marshal Robert Lee and Assistant Chief/Training Officer Lyle Mattick.

##### **C. [2021-441](#) CITIZEN SURVEY UPDATE. (Thatcher)**

City Manager Thatcher stated that staff is working with a third party for an online citizens' survey which will go live on May 17, 2021.

**D. [2021-454](#) LEGISLATIVE UPDATE (Quirk)**

City Manager Thatcher asked City Attorney Barbara Quirk to provide a legislative update on City related bills. Ms. Quirk stated that May 13, 2021 is the deadline for House bills to be passed and May 25th is the last day for the House to pass bills from the Senate.

City Manager Thatcher stated that May 19, 2021 is the last Vaccine Hub that the city will be sponsoring. It will be at the Cana Ballroom.

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

Mayor Pro Tem Wolosin stated that the Boerne Champion High School girls golf team won third at State. This is the first ever medal for the girls golf team. He also thanked the City Council Members for their confidence in electing him Mayor Pro Tem.

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

Mayor Handren convened the City Council into Executive Session at 7:24 p.m.

**A. [2021-451](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY REGARDING LEGAL MATTERS RELATED TO HTeaO APPLICATION.**

Discussion began at 7:27 p.m. and ended at 7:53 p.m.

No action was taken.

**B. [2021-452](#) 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 7:53 p.m. and ended at 8:08 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 8:09 p.m.

Council Member Macaluso did not reconvene into Open Session.

A. [2021-449](#) CONSIDER RESOLUTION NO. 2021-R17; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE PURCHASE OF \_\_\_\_\_ WITH \_\_\_\_\_.

No action was taken.

**12. ADJOURNMENT**

Mayor Handren adjourned the City Council at 8:09 p.m.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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