

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
October 26, 2021 – 6:00 PM

Minutes of the Regular Called City Council Meeting of October 26, 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, Sarah Buckelew, Lori Carroll, Rebecca Foley, Maria Guerrero, Ray Hacker, Laura Haning, Elida Huron, Lissette Jimenez, Jim Kohler, Cody Lackey, Sandy Mattick, Nick Montagno, Jeff Page, Steve Perez, Barbara Quirk, Mike Raute, Kristy Stark, Jeff Thompson, and Danny Zincke.

Recognized / Registered Guests: Duane Westerman, Alan Westerman, Robert Thornton, Michael Garrott, Nick Thornton.

1. CALL TO ORDER – 6:00 PM

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

Mayor Handren asked for a Moment of Silence.

Mayor Handren asked Police Chief Jim Kohler to lead 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:

No Public Comments were received.

4. [2021-885](#) RECOGNITION OF POLICE CHIEF, JIM KOHLER.

Mayor Handren called on City Manager Ben Thatcher. Mr. Thatcher recognized Chief Kohler on his retirement. He spoke of the Chief's accomplishments and his strong affinity for the Texas Best Practices Program. Mr. Thatcher presented Chief Kohler with a framed Boerne pendant. Chief Kohler expressed appreciation to the City Council, the citizens and staff. He gave credit to his staff for his success.

5. CONSENT AGENDA:

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

A. [2021-897](#) CONSIDER APPROVAL OF THE MINUTES FROM THE OCTOBER 12, 2021, REGULAR CITY COUNCIL MEETING.

B. [2021-898](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-33; AN ORDINANCE AUTHORIZING THE INSTALLATION OF STOP SIGNS AND YIELD SIGNS FOR THE FOLLOWING SUBDIVISIONS: SOUTHGLEN PHASE 5, CHAMPION HEIGHTS UNIT 3, SOUTHGLEN PHASE 9, SOUTHGLEN PHASE 4, OVERLOOK AT BOERNE, REGENT PARK UNIT 3, LEGACY AT CIBOLO UNIT 1, SOUTHGLEN PHASE 6A, REGENT PARK UNIT 2, SOUTHGLEN PHASE 6 & 7, COMMONS AT MENDER CREEK UNIT 5, SOUTHGLEN PHASE 8, AND SOUTHGLEN PHASE 11A; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR PUBLICATION. (Establishing new locations of stop signs and yield signs throughout the city)

C. [2021-880](#) CONSIDER RESOLUTION NO. 2021-R56; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE

A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HILL COUNTRY FAMILY SERVICES.

- D. [2021-883](#) CONSIDER RESOLUTION NO. 2021-R57; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND RAINBOW SENIOR CENTER. (Kronkosky Place)
- E. [2021-882](#) CONSIDER RESOLUTION NO. 2021-R58; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.
- F. [2021-881](#) CONSIDER RESOLUTION NO. 2021-R59; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS.
- G. [2021-890](#) CONSIDER RESOLUTION NO. 2021-R60; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS, AND KENDALL COUNTY, TEXAS, FOR FIRE PROTECTION SERVICES. (Renew interlocal agreement with Kendall County for fire protection services, term begins October 1, 2021 through September 30, 2023)
- H. [2021-884](#) CONSIDER RESOLUTION NO. 2021-R61; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND FAIR OAKS RANCH FOR ANIMAL CONTROL SERVICES. (Renew annual interlocal agreement with Fair Oaks Ranch for animal control services)
- I. [2021-889](#) CONSIDER RESOLUTION NO. 2021-R62; A RESOLUTION DESIGNATING AND AUTHORIZING CERTAIN CITY OFFICERS AS
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SIGNATORIES FOR THE DEPOSITORY FINANCIAL INSTITUTION OF THE CITY OF BOERNE, TEXAS. (Authorize signatories for City bank accounts)

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2021-878](#) **CONSIDER THE PROPOSED REZONING OF 1.0672 ACRES LOCATED AT 128 ARANSAS PASS (SUNRISE ADDITION BLK 6 LOT 15, 19, 20 & PT 21, KAD 26712) FROM R2-M RR, MODERATE DENSITY RESIDENTIAL RIVER ROAD OVERLAY, TO C2 RR, TRANSITIONAL COMMERCIAL RIVER ROAD OVERLAY. (Robert S. Thornton L.P.)**

I. RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.

II. PUBLIC HEARING (one of one hearing)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-34; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, REZONING 1.0672 ACRES LOCATED AT 128 ARANSAS PASS, SUNRISE ADDITION, BLK 6 LOT 15, 19, 20 AND PT 21 (KAD NO. 26712) FROM R2-M RR, MODERATE DENSITY RESIDENTIAL RIVER ROAD OVERLAY, TO C2 RR, TRANSITIONAL COMMERCIAL RIVER ROAD OVERLAY; 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. She displayed a location map of the property under consideration as well as a concept plan. At the Boerne Open Neighborhood Discussion (BOND) meeting, one person expressed opposition to the rezoning due to concerns with lighting, noise, and potential location of the dumpster. The Noise Committee will be bringing a recommendation to City Council in the near future. Discussion ensued regarding parking, and other city requirements which will have to be met for this project. Concerns were also expressed if the developer decides not to do the project and sells the property. Ms. Haning stated that the Planning and Zoning Commission recommended approval of

the rezoning by a vote of 6-0.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BODDIE TO RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION. 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.

MAYOR HANDREN OPENED THE PUBLIC HEARING AT 6:20 P.M.

MR. ROBERT THORNTON SPOKE ON THE ENTRANCE TO THE DEVELOPMENT WHICH WILL BE LOCATED ON THE SIDE ROAD AND NOT ON RIVER ROAD. HE ALSO SPOKE ON IMPERVIOUS COVER WHICH IS WELL UNDER THE CITY'S REQUIREMENT. HE IS CURRENTLY RENOVATING THE LITTLE ROCK HOUSE ON THE CORNER BUT DOES NOT CURRENTLY HAVE PLANS FOR THE HOUSE.

MAYOR HANDREN CLOSED THE PUBLIC HEARING AT 6:23 P.M.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN TO APPROVE ON FIRST READING ORDINANCE NO. 2021-34; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, REZONING 1.0672 ACRES LOCATED AT 128 ARANSAS PASS, SUNRISE ADDITION, BLK 6 LOT 15, 19, 20 AND PT 21 (KAD NO. 26712) FROM R2-M RR, MODERATE DENSITY RESIDENTIAL RIVER ROAD OVERLAY, TO C2 RR, TRANSITIONAL COMMERCIAL RIVER ROAD OVERLAY; 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. [2021-879](#) CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR A DRIVE-THRU FACILITY LOCATED AT 1313 AND 1361 SOUTH MAIN STREET (WAL-MART SHOPPING CENTER BLK 1 LOT 1 AND LOT 2C (REPLAT), KAD 27528 AND KAD 27529, 7.708 ACRES) IN A C3-EC, COMMUNITY COMMERCIAL - ENTRANCE CORRIDOR DISTRICT. (Michael K. Garrott, Hill Country Square between Jiffy Lube and Eyes on Main)

I. RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.

II. PUBLIC HEARING (one of one hearing)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-35; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT FOR A DRIVE-THRU FACILITY TO 7.708 ACRES LOCATED AT 1313 AND 1361 SOUTH MAIN STREET, WAL-MART SHOPPING CENTER BLK 1 LOT 1 AND LOT 2C (KAD NOS. 27528 AND 27529) IN A C3-EC, COMMUNITY COMMERCIAL - ENTRANCE CORRIDOR DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Ms. Haning continued with the proposed use of a drive-thru for a coffee shop in the parking lot next to Eyes on Main. The Planning and Zoning Commission recommended approval of the use by a vote of 6-0. Discussion ensued regarding parking, traffic and access to the property.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT TO RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION. 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.

PUBLIC HEARING (ONE OF ONE HEARING)

MAYOR HANDREN OPENED THE PUBLIC HEARING AT 6:38 P.M.

MR. MICHAEL GARROTT STATED THAT THE COFFEE SHOP "ON THE GRIND" WAS ESTABLISHED IN NEW BRAUNFELS AND CURRENTLY THERE ARE 11 STORES. THE CONCEPT IS PURELY DRIVE-THRU, BUT WILL HAVE A WALK-UP WINDOW. THE STORES OPEN AT 5:00 A.M. AND CLOSE AT 9:00 A.M. OR 10:00 A.M., SO TRAFFIC SHOULD NOT INTERFERE WITH SURROUNDING BUSINESSES.

MAYOR HANDREN CLOSED THE PUBLIC HEARING AT 6:45 P.M.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT TO APPROVE ON FIRST READING ORDINANCE NO. 2021-35; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT FOR A DRIVE-THRU FACILITY TO 7.708 ACRES LOCATED AT 1313 AND 1361 SOUTH MAIN STREET, WAL-MART SHOPPING CENTER BLK 1 LOT 1 AND LOT 2C (KAD NOS. 27528 AND 27529) IN A C3-EC, COMMUNITY COMMERCIAL - ENTRANCE CORRIDOR DISTRICT AS SHOWN IN THE SITE PLAN PROVIDED; 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

- C. [2021-887](#) **CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-36; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)**

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2021-36; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (AS DESCRIBED BELOW). 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. [2021-888](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2021-36; AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021"; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY COUNCIL AND CITY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AND OTHER MATTERS INCIDENT AND RELATED THERETO. (City of Boerne, Texas General Obligation Refunding Bonds, Series 2021)**

Mayor Handren called on Ms. Sandy Mattick, Finance Director. She introduced Duane Westerman of SAMCO Capital Markets to explain the debt issuance. Mr. Westerman reviewed and provided the background of the city's five outstanding debts. He provided current market information.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ORDINANCE NO. 2021-36; AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021"; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY COUNCIL AND CITY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AND OTHER MATTERS INCIDENT AND RELATED THERETO. (CITY OF BOERNE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021). 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. [2021-896](#) UPDATE ON CITY OF BOERNE COMMUNITY OUTREACH AND INTERVENTION PROGRAM AND KENDALL COUNTY BEHAVIORAL HEALTH INITIATIVE.

Mayor Handren called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that Paul Giguere has been hired to lead the Community Outreach Program. Mr. Thompson reviewed the goals of the program. Mayor Handren asked that a Resolution be brought to Council expressing support of the program.

8. CITY MANAGER'S REPORT:

Mayor Handren called City Manager Ben Thatcher.

A. [2021-893](#) AWARDS AND RECOGNITION.

City Manager Thatcher stated that for the sixth time in the last 10 years, the City's Parks and Recreation Department received recognition from the Texas Amateur Athletic Foundation (TAAF). Lissette Jimenez, Recreation Superintendent received the President's Excellence Award. Lissette had to fill in during a competition at the last minute. Director Shadrock received a TML Innovations Award for an Internship Program partnering with Boerne ISD.

B. [2021-894](#) UPDATE ON BRUSH COLLECTION.

This item was not discussed.

C. [2021-895](#) MONTHLY PROJECTS UPDATE.

City Manager Thatcher presented the progress of various city projects. He stated that this is the first report for new fiscal year and he is including a new presentation concept.

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

Mayor Pro Tem Wolosin congratulated the Boerne ISD Cross Country Teams. He expressed appreciation to Chesney Dunning for her service as a Planning and Zoning Commissioner. She is moving to Fredericksburg.

Council Member Macaluso discussed the progress of the I-10, Hwy 46 road construction.

Council Member Boddie congratulated the Boerne Champion Cross Country Team who are going to state.

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

Mayor Handren convened the City Council into Executive Session at 7:34 p.m.

- A. [2021-891](#) SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.

This item was not discussed.

No action was taken.

- B. [2021-892](#) SECTION 551.074 - PERSONNEL MATTERS: CITY ATTORNEY'S ANNUAL EVALUATION AND POTENTIAL AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT.

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.

No action was taken.

12. ADJOURNMENT

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

Approved:

Mayor

Attest:

City Secretary