

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
DECEMBER 10, 2024 – 6:00 PM

Minutes of the Regular Called City Council meeting of December 10, 2024.

Present: 6 - Mayor Frank Ritchie, Mayor Pro Tem Ty Wolosin, Council Member Sharon D. Wright, Council Member Quinten Scott, Council Member Bret A. Bunker, and Council Member Joseph Macaluso

Staff Present: Ben Thatcher, Donnie Bergmann, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Susan Finch, Lissette Jimenez, Mike Mann, Mick McKamie, Nick Montagno, Mike Raute, Shawn Sandy, Chris Shadrock, Natalie Shults, Kristy Stark, Chastity Valdes, and Danny Zincke.

Recognized / Registered Guests: Becky Bergmann

1. CALL TO ORDER – 6:00 PM

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

Mayor Ritchie called on Rylee Free, Missions Director for Currey Creek Church to provide the Invocation.

Mayor Ritchie led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. RECOGNIZING DONNIE BERGMANN AND HIS YEARS OF SERVICE

TO OUR COMMUNITY.

Mayor Ritchie called on Lissette Jimenez, Parks and Recreation Director to acknowledge Donnie Bergmann for his 35 years of public service in the Streets and Parks Department.

4. PUBLIC COMMENTS:

No comments were received.

5. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVED THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 12, 2024.

THE MINUTES WERE APPROVED.

B. CONSIDER RESOLUTION NO. 2024-R95; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND LOAD-POINT CORPORATION FOR THE PURCHASE, INSTALLATION AND SERVICE OF AN ELECTRIC VEHICLE CHARGING STATION FOR AN AMOUNT NOT TO EXCEED \$167,941.00.

THE RESOLUTION WAS APPROVED.

C. CONSIDER RESOLUTION NO. 2024-R96; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ADOPTING THE ARTS AND CULTURE STRATEGIC PLAN.

THE RESOLUTION WAS APPROVED.

D. CONSIDER ON SECOND READING ORDINANCE NO. 2024-23; AN

ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WASTEWATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2015-20 DATED AUGUST 25, 2015, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Wastewater Service)

THE ORDINANCE WAS APPROVED.

E. CONSIDER RESOLUTION NO. 2024-R97; A RESOLUTION OF THE CITY OF BOERNE, TEXAS CONSENTING TO THE ANNEXATION OF 116.458 ACRES OF LAND INTO KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2B.

THE RESOLUTION WAS APPROVED.

F. CONSIDER RESOLUTION NO. 2024-R98; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FEDERAL HIGHWAY ADMINISTRATION (FHWA), FOR THE SAFE STREETS FOR ALL (SS4A) GRANT PROGRAM.

THE RESOLUTION WAS APPROVED.

G. CONSIDER RESOLUTION NO. 2024-R99; A RESOLUTION AUTHORIZING THE PURCHASE OF A GRADALL XL3100 FROM WAUKESHA-PEARCE INDUSTRIES, INC. FOR AN AMOUNT NOT TO EXCEED \$528,544.00. (Street Department)

THE RESOLUTION WAS APPROVED.

H. CONSIDER RESOLUTION NO. 2024-R100; A RESOLUTION DESIGNATING THE CITY'S QUARTERLY ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO 15, 35, 35, AND 15 PERCENT FOR CALENDAR YEAR 2025. (Annual withdrawal permit with Cow Creek)

THE RESOLUTION WAS APPROVED.

I. CONSIDER RESOLUTION NO. 2024-R101; A RESOLUTION

DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO RETAIN THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2025 AT 2,125 ACRE-FEET. (Annual Commitment with GBRA)

THE RESOLUTION WAS APPROVED.

J. CONSIDER RESOLUTION NO. 2024-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PUBLIC RESTROOM COMPANY TO PURCHASE AND INSTALL A NEW PUBLIC RESTROOM AT KINDERPARK FOR AN AMOUNT NOT TO EXCEED \$181,000.

THE RESOLUTION WAS APPROVED.

K. CONSIDER RESOLUTION NO. 2024-R103; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND SHI GOVERNMENT SOLUTIONS, INC. FOR THE PURCHASE OF ZSCALER SOFTWARE FOR AN AMOUNT NOT TO EXCEED \$99,924.00.

A RESOLUTION WAS APPROVED.

L. CONSIDER RESOLUTION NO. 2024-R104; 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 LIBRARY SYSTEM SERVICES.

A RESOLUTION WAS APPROVED.

M. CONSIDER RESOLUTION NO. 2024-R109; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A REFUND FROM THE KENDALL APPRAISAL DISTRICT AS REFLECTED IN THE AUDIT OF 2023 APPRAISAL AND COLLECTIONS BUDGET.

A RESOLUTION WAS APPROVED.

REGULAR AGENDA:

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2024-25; 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. 2024-25; 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 Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

B. CONSIDER ORDINANCE NO. 2024-25; AN ORDINANCE AMENDING ORDINANCE NO. 2003-02, CAPTIONED "CITY OF BOERNE SOLID WASTE COLLECTION AND DISPOSAL FRANCHISE AGREEMENT" AND ENACTING THE FIRST AMENDMENT TO THE SECOND AMENDED MUNICIPAL SOLID WASTE AGREEMENT.

Mayor Ritchie called on Nick Montagno, Operations Manager. Manager Montagno referenced the previous council meeting regarding the existing Waste Management contract addressing the concerns from that meeting. He reviewed the proposed contract revisions to include the proposed rates and providing a rate survey with other neighboring communities.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ORDINANCE NO. 2024-25; AN ORDINANCE AMENDING ORDINANCE NO. 2003-02, CAPTIONED "CITY OF BOERNE SOLID WASTE COLLECTION AND DISPOSAL FRANCHISE AGREEMENT" AND ENACTING THE FIRST AMENDMENT TO THE SECOND AMENDED MUNICIPAL SOLID WASTE AGREEMENT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

C. CONSIDER THE UN-TABLING OF ORDINANCE NO. 2024-22, AS DESCRIBED BELOW. (tabled on 11/12/2024)

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE THE UN-TABLING OF ORDINANCE NO. 2024-22, AS DESCRIBED BELOW. (TABLED ON 11/12/2024). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

D. CONSIDER ON FIRST READING ORDINANCE NO. 2024-22; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Water Service)

Mayor Ritchie called on Sarah Buckelew, Finance Director. Director Buckelew stated that the water rate and the reclaimed rate will be discussed together as they are related. She spoke on the water, wastewater, and reclaimed water study conducted by New Gen Strategies and Solutions and provided a recap of the discussion from the previous city council meeting. She provided information included in the amended ordinances based on the feedback received from the council members. A comparison of reclaimed and potable residential rates were presented. Discussion ensued regarding the new rate structure being configured into the CIP projects, encouraging businesses to conserve, and offering rebates as an incentive.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT TO APPROVE ON FIRST READING ORDINANCE NO. 2024-22; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (WATER SERVICE) THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

E. CONSIDER THE UN-TABLING OF ORDINANCE NO. 2024-24, AS DESCRIBED BELOW. (tabled on 11/12/2024)

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE THE UN-TABLING OF ORDINANCE NO. 2024-24, AS DESCRIBED BELOW. (TABLED ON 11/12/2024). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

F. CONSIDER ON FIRST READING ORDINANCE NO. 2024-24; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR RECLAIMED WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Reclaimed Water Service)

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-24; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR RECLAIMED WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (RECLAIMED WATER SERVICE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

G. RECEIVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2024.

Director Buckelew continued with the Quarterly Financial and Investment

Report for the fourth quarter explaining that it is a requirement of the Public Funds Investment Act to present the report to the city council at least annually. She stated that the revenues were on track, sales and ad valorem tax exceeded budget and the other governmental and utility revenues were on track.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2024. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

H. RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-26; 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 (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTH EAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (One of one public hearing, at the request of Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)

Mayor Ritchie called on Nathan Crane, Planning Director. Director Crane provided information on the request for a Special Use Permit to allow a mini warehouse facility in a C4 zoning district. He provided a map of the location, site plan, project design renderings, and landscape plan. The Planning and Zoning Commission recommended approval of the request with a 5-1 vote.

Mayor Ritchie opened the Public Hearing at 6:57 p.m.

Ashley Farrimond legal counsel representing the developer stated she or the developer are available for any questions.

Mayor Ritchie closed the Public Hearing at 6:58 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-26; 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 (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTH EAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ONE OF ONE PUBLIC HEARING, AT THE REQUEST OF BARRY SANDITEN, SANDITEN & ASSOCIATES, INC., ON BEHALF OF BOERNE MEDICAL CENTER, LTD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

I. **RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-27; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 - HISTORIC PRESERVATION TAX EXEMPTION, AND SECTION 3-11.G.1.A - HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (Amendments to Unified Development Code, Historic Preservation, Historic District)**

Director Crane continued with amendments to the Unified Development Code

removing the option for a historic preservation tax exemption and adding Freeway Pylon Signs to the list of prohibited signs. Both the Planning and Zoning Commission and the Historic Landmark Commission recommended approval of these amendments.

Mayor Ritchie opened the Public Hearing at 7:04 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:04 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-27; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 - HISTORIC PRESERVATION TAX EXEMPTION, AND SECTION 3-11.G.1.A - HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (AMENDMENTS TO UNIFIED DEVELOPMENT CODE, HISTORIC PRESERVATION, HISTORIC DISTRICT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

J. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-28; AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A.

DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (Amendment to Unified Development Code, Mobile Food Unit)

Director Crane continued with amendments to the Unified Development Code to update the regulations for Mobile Food Units and mobile food park operations. Discussion ensued regarding street parking and pop-up stands for events. The Planning and Zoning Commission recommended approval of the amendments with a vote of 6-0.

Mayor Ritchie opened the Public Hearing at 7:12 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:12 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-28; AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (AMENDMENT TO UNIFIED DEVELOPMENT CODE, MOBILE FOOD UNIT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

K. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON

FIRST READING ORDINANCE NO. 2024-29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units)

Director Crane stated that this agenda item is related to the previous item regarding mobile food units.

Mayor Ritchie opened the Public Hearing at 7:14 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:14 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (AMENDMENTS TO CODE OF ORDINANCE, PEDDLERS, CANVASSERS, SOLICITORS AND MOBILE FOOD UNITS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

L. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Noise and Sound)

Director Crane provided a summary of the amendments to the Code of Ordinance regarding noise and sound. He expressed appreciation to council member Scott and the subcommittee members for their time and efforts in reviewing the current regulations and recommending the proposed amendments to impose a threshold for noise violations, measurement method for sound collection, and clarifies sound measurement locations. The Planning

and Zoning Commission recommended approval of the proposed amendments.

Mayor Ritchie opened the Public Hearing at 7:26 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:26 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (AMENDMENTS TO CODE OF ORDINANCE, NOISE AND SOUND). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

7. RESOLUTIONS:

A. RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2024-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR FY2025 STREET PRESERVATION TO _____ FOR AN AMOUNT NOT TO EXCEED \$____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$____. (Slurry Seal)

Mayor Ritchie called on Jeff Carroll, Engineering and Mobility Director. Director Carroll spoke on the Slurry Seal project. He stated that it is part of the city's 10 year maintenance project. Only one bid was received. It is staff's

recommendation to award the contract to Intermountain Slurry Seal, Inc. for the bid amount of \$390,245.00. The budgeted amount was \$442,000.00. It is staff's recommendation to increase the scope of the project to include additional streets for up to an additional 13% or \$440,976.85.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR FY2025 STREET PRESERVATION TO INTERMOUNTAIN SLURRY SEAL, INC. FOR AN AMOUNT NOT TO EXCEED \$390,245.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$440,976.85. (SLURRY SEAL). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

B. RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2024-R106; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR 2022 BOND ROADWAY RECONSTRUCTION TO _____ FOR AN AMOUNT NOT TO EXCEED \$___; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.

Director Carroll continued with streets that are in need of reconstruction that were addressed in the 2022 bond and approved by the voters. Staff received three bids and after checking references it is staff's recommendation to move forward with the low bidder, Bennet Paving, Inc. in the amount of \$1,177,225.00 which is under the \$1,400,000.00 city bond budget. Staff proposes an additional 5% to fund potential changes in construction scope that may be required.

A MOTION WAS MADE BY COUNCIL MEMBER BUNKER, SECONDED BY COUNCIL MEMBER WRIGHT, TO RECEIVE BIDS AND APPROVE RESOLUTION NO. 2024-R106; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR 2022 BOND ROADWAY RECONSTRUCTION TO BENNET PAVING, INC. FOR AN AMOUNT NOT TO EXCEED \$1,177,225.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$1,236,086.25. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

C. CONSIDER RESOLUTION NO. 2024-R107; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR DESIGN OF UPGRADES TO OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$4,345,790.00.

Mayor Ritchie called on Mike Mann, Utilities Director. Director Mann explained that Wastewater Treatment and Recycling Center (WWTRC) located on Old San Antonio Road was constructed in 2013 and based on projected flows, WWTRC is expected to reach 75% capacity in 2025 triggering a planning requirement by the TCEQ. HDR Engineering, Inc. has been selected for its expertise and familiarity with the WWTRC for the design and permitting of the expansion.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2024-R107; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR DESIGN OF UPGRADES TO OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$4,345,790.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

D. CONSIDER RESOLUTION NO. 2024-R108; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CNG DELIVERY, LLC FOR A COMPRESSED NATURAL GAS TRAILER FOR EMERGENCY SUPPLY BACKUP FROM DECEMBER 2024 TO MARCH 2025 FOR AN AMOUNT NOT TO EXCEED \$110,000.

Director Mann continued with the need for an emergency gas supply backup for some neighborhoods due to possible extreme cold weather causing high demand periods. Staff was able to locate a temporary compressed natural gas (CNG) trailer which will be leased from December 2024 to March 2025 if needed.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2024-R108; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CNG DELIVERY, LLC FOR A COMPRESSED NATURAL GAS TRAILER FOR EMERGENCY SUPPLY BACKUP FROM DECEMBER 2024 TO MARCH 2025 FOR AN AMOUNT NOT TO EXCEED \$110,000. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

8. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Ben Thatcher.

A. MONTHLY PROJECTS REPORT.

City Manager Thatcher provided an update and status on city projects.

B. DICKENS ON MAIN UPDATE.

City Manager Thatcher stated that it takes a lot of collaboration from various city departments to have a successful Dickens on Main event. He expressed appreciation to those employees and volunteers. He noted that 48,500 people attended the weekend event. City Manager Thatcher thanked the city council for a great year and is looking forward to 2025.

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

Mayor Pro Tem Wolosin acknowledged the success of the Boerne Greyhound football team as this was their first year in 5A. He expressed appreciation to staff and the council for a good year. Mayor Pro Tem Wolosin stated that at the November council meeting, he challenged individuals to post on social media five things they like about Boerne. He said he did not receive any positive posts.

Council Member Macaluso stated that Dickens was spectacular again this year.

Mayor Ritchie wished the Greyhounds success in the playoffs in Waco. He also stated that Dickens was amazing and expressed appreciation for the efforts of everyone. He also stated that he is looking forward to 2025.

Council Member Wright stated that the Weihnachts Parade was amazing and despite the weather there was a great public turnout.

Council Member Scott suggested that the city bring back ice skating next year.

Council Member Bunkers stated that he heard good comments about Dickens and the addition of screens. He also expressed appreciation to city staff.

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

Mayor Ritchie convened the City Council into Executive Session at 8:00 p.m.

A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; POTENTIAL DEVELOPER FOR A PROPERTY LOCATED ON INTERSTATE HIGHWAY 10. (BISD new property / Acquiring ROW's)

No action was taken.

B. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY; SPENCER RANCH.

No action was taken.

C. SECTION 551.074 - PERSONNEL MATTERS: RELATED TO THE CITY MANAGER'S EVALUATION.

No action was taken.

11. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

No action was taken.

12. ADJOURNMENT

9:04

Approved:

Mayor

Attest:

City Secretary