MINUTES

SPECIAL CALLED CITY COUNCIL MEETING

RONALD C. BOWMAN CITY COUNCIL CHAMBERS

447 North Main Street

Boerne, TX 78006

OCTOBER 27, 2025 – 6:00 PM

Minutes of the Special Called City Council Meeting of October 27, 2025.

Present: **5 -** Mayor Frank Ritchie, Mayor Pro Tem Ty Wolosin, Council Member Kyle Mickelsen, Council Member Bret A. Bunker, and Council Member Joseph Macaluso

Absent: **1 -** Council Member Joe Bateman

Staff Present: Jo-Anmarie Andrade, Paul Barwick, Ryan Bass, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Bria Jackson, Lissette Jimenez, Cody Lackey, Franci Linder, Mike Mann, Mick McKamie, Mike Raute, Ben Simmons, Kristy Stark, and Chastity Valdes.

Recognized / Registered Guests: Dana Mathes, Tanji Patton, Kristi Ackerman, Alex Rudd, Lance Kyle, Susan and Skipper Nelson, Shaughnessy Davis, Andrew Davis, Kelly Kuhl, Barb and Mac King, K. Lestourgeon, Kristin Raimondo, Anton Bily, Pat Cusp, Margie Shawver, Shawn and Sasha Chervinskis, James and Emma Willis.

1. CALL TO ORDER – 6:00 PM

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

Mayor Ritchie announced that the meeting was being held this evening due to a conference that several council members will be attending tomorrow. He also noted that the next council meeting will take place on November 18th because of the Veterans Day holiday on the regular meeting date of November 11th. Mayor Ritchie added that there will be only one council meeting in November due to the Thanksgiving holiday.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Dana Mathes, 164 Creek Springs spoke regarding concerns with the Buc-ee's development.

Tanji Patton, 634 Menger Springs spoke regarding concerns with the Buc-ee's development.

Kristy Ackerman, 630 Menger Springs spoke regarding concerns with the Buc-ee's development.

Alex Rudd, 63 La Cancion Drive spoke regarding concerns with the Buc-ee's development.

Lance Kyle, 226 Cascade Caverns Road spoke for Jim Rieker regarding concerns with the Buc-ee's development.

4. CONSENT AGENDA:

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

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Bateman

A. **CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF OCTOBER 14, 2025.**

THE MINUTES WERE APPROVED.

B. **CONSIDER RESOLUTION NO. 2025-R78; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND TYLER TECHNOLOGIES FOR PUBLIC SAFETY SOFTWARE SOLUTIONS FOR**

AN AMOUNT NOT TO EXCEED $1,006,000.00 OVER A THREE-YEAR CONTRACT.

THE RESOLUTION WAS APPROVED.

C. **CONSIDER RESOLUTION NO. 2025-R79; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE PURCHASE OF A TRACKED BACKYARD ARTICULATING TELESCOPIC AERIAL DEVICE FROM ALTEC INDUSTRIES, INC. THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED $271,953.**

THE RESOLUTION WAS APPROVED.

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. **RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2025-19; 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 DRIVE-THRU IN THE C3 REGIONAL COMMERCIAL DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT AT 31500 INTERSTATE 10 (KAD# 309883).; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Scooter's Coffee)**

Mayor Ritchie called on Franci Linder, Assistant Planning Director, to present the item. Ms. Linder provided a map showing the location of the property under consideration and spoke regarding the current zoning. She noted that the property is located adjacent to Valero and Bill Miller BBQ, which includes a drive-through.

Ms. Linder presented an overview of the proposed project which will be strictly a drive-through and no seating inside. She stated that the Planning and Zoning Commission voted 6-0 to recommend approval with four stipulations: Must conform to the narrative and site plan date stamped September 24, 2025; final design and isntallation of the propesed bioretention/low impact development feature shall be subject to staff approval to ensure compliance with UDC Chapter 8 Environmental Design requirements; Final design and installation of escape lane shall be subject to staff approval to ensure compliance with UDC access and circulation standards; and the Special Use Permit shall expire within two years from the date of approval if no physical improvements are made, and a certificate of occupancy is not issued.

The applicant spoke regarding the proposed landscaping, noting that drought-resistant plants will be used and that rainwater harvesting and HVAC systems will be explored. Ms. Linder confirmed there are no right-of-way changes. She also noted that traffic patterns are anticipated to be the heaviest in the mornings whereas Bill Miller BBQ is heavier during lunchtime.

Mayor Ritchie opened the Public Hearing at 6:38 p.m.

The applicant stated that they live in Boerne and have kids in the school system. They opened their first Scooter's store Kerrville. Average wait time in the drive-through will be 2 1/2 minutes. They want to be a good community partner in Boerne as they are in Kerrville.

Mayor Ritchie closed the Public Hearing at 6:41 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, THAT THIS PUBLIC HEARING BE APPROVED RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2025-19; 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 DRIVE-THRU IN THE C3 REGIONAL COMMERCIAL DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT AT 31500 INTERSTATE 10 (KAD# 309883).; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE SUBJECT TO THE STIPULATIONS FROM THE PLANNING AND ZONING COMMISSION: MUST CONFORM TO THE NARRATIVE AND SITE PLAN DATE STAMPED SEPTEMBER 24, 2025; FINAL DESIGN AND INSTALLATION OF THE PROPOSED BIORETENTION/LOW IMPACT DEVELOPMENT FEATURE SHALL BE SUBJECT TO STAFF APPROVAL TO ENSURE COMPLIANCE WITH UDC CHAPTER 8 ENVIRONMENTAL DESIGN REQUIREMENTS; FINAL DESIGN AND INSTALLATION OF ESCAPE LANE SHALL BE SUBJECT TO STAFF APPROVAL TO ENSURE COMPLIANCE WITH UDC ACCESS AND CIRCULATION STANDARDS; AND THE SPECIAL USE PERMIT SHALL EXPIRE WITHIN TWO YEARS FROM THE DATE OF APPROVAL IF NO PHYSICAL IMPROVEMENTS ARE MADE AND A CERTIFICATE OF OCCUPANCY IS NOT ISSUED AND ALSO INCLUDE THAT RAINWATER HARVESTING AND/OR HVAC CONDENSATE RECOVERY SYSTEMS BE ADDED IF POSSIBLE. (SCOOTER'S COFFEE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Bateman

6. RESOLUTIONS:

A. CONSIDER RESOLUTION NO. 2025-R80; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ON BEHALF OF MORNINGSIDE MINISTRIES FOR A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS.

Mayor Ritchie called on Assistant City Manager Kristy Stark to provide information regarding the financing by the New Hope Cultural Education

Facilities Finance Corporation. She explained that the resolution is in support of the application for Morningside Ministries for a health facility, which is a federal requirement that allows the issuer to proceed with tax-exempt financing. She noted that there is no financial obligation to the City. When complete, Menger Springs will include 326 independent living units, 90 assisted living units, and 40 skilled nursing units.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2025-R80; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ON BEHALF OF MORNINGSIDE MINISTRIES FOR A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Bateman

B. **RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2025-R81; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR 2025 HIGH DENSITY MINERAL BOND PROJECT TO _______ FOR AN AMOUNT NOT TO EXCEED $________; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.**

Mayor Ritchie called on Engineering and Mobility Director Jeff Carroll. Director Carroll stated that in 2021, the City created a formal 10-year Street Maintenance Program. He provided a map showing all the streets maintained by the City and discussed the various preventive maintenance options used, including crack seal, chip seal, slurry seal, and high-density mineral bond. He provided additional information regarding the high-density mineral bond product, noting that only one bid was received due to the specialized nature of the material. He stated that a specific street has not yet been identified for this treatment and that the item will return to Council once a project is designated.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO RECEIVE THE BID AND APPROVE RESOLUTION NO. 2025-R81; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR 2025 HIGH DENSITY MINERAL BOND PROJECT TO HOLBROOK ASPHALT FOR AN AMOUNT NOT TO EXCEED $870,870.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. UPON DETERMINATION SPECIFIC LOCATIONS OF EACH PROJECT TO BE PERFORMED UNDER THIS CONTRACT, SEPARATE CITY COUNCIL APPROVAL IS REQUIRED FOR EACH TASK ORDER. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Bateman

C. **RECEIVE PROPOSALS AND CONSIDER RESOLUTION NO. 2025-R82; A RESOLUTION AWARDING THE CITY’S DEPOSITORY BANKING SERVICES TO ___________, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND MANAGE THE RELATED AGREEMENT.**

Mayor Ritchie called on Finance Director Sarah Buckelew to discuss the city’s depository banking services. Director Buckelew explained that, as required by the Local Government Code, the city issues a Request for Qualifications (RFQ) for these services every five years. She stated that two responses were received and noted that the city’s current contract is with Frost Bank. She also mentioned that Texas Regional Bank, one of the respondents, is expected to open a new facility in Boerne in December. It is staff's recommendation that the contract be awarded to Frost Bank.

A MOTION WAS MADE BY COUNCIL MEMBER BUNKER, SECONDED BY COUNCIL MEMBER MICKELSEN, TO RECEIVE PROPOSALS AND APPROVE RESOLUTION NO. 2025-R82; A RESOLUTION AWARDING THE CITY’S DEPOSITORY BANKING SERVICES TO FROST BANK AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND MANAGE THE RELATED AGREEMENT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Bateman

7. OTHER:

A. ANNUAL UPDATE ON SHORT-TERM RENTAL PROGRAM.

Mayor Ritchie called on Assistant Planning Director Franci Linder to provide an update on the city's short-term rental (STR) program. She reported that the Granicus software launched in July 2024 and highlighted key features of the system. She outlined next steps, including issuing compliance notices to confirmed unregistered operators and continuing outreach efforts. Assistant City Manager Kristy Stark noted that the city ordinance is in place to address noncompliance.

8. CITY MANAGER'S REPORT:

Assistant City Manager Kristy Manager provided the report in the absence of the City Manager Thatcher.

A. RECOGNIZE THE PLANNING DEPARTMENT FOR RECEIVING THE RICHARD R. LILLIE, FAICP PLANNING EXCELLENCE RECOGNITION PROGRAM AND PLANNING ACHIEVEMENT AWARDS URBAN DESIGN - SILVER AWARD: URBAN CORRIDOR DESIGN AND ENHANCEMENT GUIDE FROM THE TEXAS CHAPTER OF THE AMERICAN PLANNING ASSOCIATION.

Assistant City Manager Kristy Stark acknowledged the Planning Department for receiving the Richard R. Lillie Award, noting that only 49 cities in Texas were honored. She also recognized the department's second award for the Urban Corridor Design Guide, which is available on the city's website.

B. MONTHLY PROJECTS REPORT.

Assistant City Manager Stark provided an update on various city projects.

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

Mayor Pro Tem Wolosin responded to comments made during Public Comment, noting that the change in the meeting date had been announced two weeks prior, along with an explanation that several council members would be traveling to a conference. He added that many council members also shared the update on their personal social media accounts. Mayor Pro Tem Wolosin emphasized that the council has been listening to public input and engaging in ongoing discussions with the developer. He reminded the audience that the discussion in Executive Session is about Buc-ee's and suggested they stay for the outcome. He also addressed a comment regarding the Gateway, clarifying that with car dealerships along the highway, this area is not considered the Gateway to Boerne.

Council Member Macaluso commented on the strong interest many constituents have regarding the Buc-ee’s development. He shared that his personal involvement and concern began nearly 10 years ago, which ultimately motivated him to run for office. He also noted that he attended the previous meeting virtually as he was with his daughter celebrating the birth of his sixth grandchild.

Council Member Mickelsen reported that he and Council Member Bateman toured the Wastewater Treatment and Recycling Center. He noted that there was very little odor at the facility and responded to a resident’s previous comment regarding a smell. He added that the only odor he noticed was indoors, suggesting that the smell may be coming from the resident’s own property.

Mayor Ritchie acknowledged the recent successes of local middle school volleyball teams, noting that the Boerne Middle School North Girls B Team advanced to the finals and the Boerne Champion Middle School Girls Team advanced to district. He congratulated the coaches and players on their achievements. Mayor Ritchie also reminded the public that the next City Council meeting will be held on November 18, the only meeting in November due to the Thanksgiving holiday.

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

Mayor Ritchie convened the City Council into Executive Session at 7:26 p.m.

A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (Buc-ee's, Ltd.)

No action was taken.

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

Mayor Ritchie reconvened the City Council into Open Session at 8:45 p.m.

A. CONSIDER RESOLUTION NO. 2025-R83; A RESOLUTION AMENDING THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND BUC-EE'S, LTD.

Mayor Ritchie called on Assistant City Manager Kristy Stark to discuss amendments to the economic development agreement with Buc-ee's, expressing appreciation for the company's cooperation. She noted that the agreement still requires adjustments and updates to the exhibits.

Key Changes to the Agreement:

Deleted: Supplemental project; credit toward city fees & Texas Capital Fund Grant.

Added: Maximum 54,000 sq. ft. building; up to 100 fueling stations; prohibition of 18-wheelers except for store service; confirmation of 200 jobs; 9 acres of dedicated open space; reduction of sign to 60 ft contingent on Buc-ee's Way naming & IH-10 signage; 8 ft security fence along rear property line; enhanced landscaping; site lighting plan with dark-sky compliant fixtures; HVAC condensate recovery and irrigation system.

Other Additions/Clarifications: Utility updates; Buc-ee's to install sewer line and roadway with city reimbursement over five years; Buc-ee's responsible for underground electric along Buc-ee's Way.

Maintained: 50% of sales tax rebate for 20 years from store opening.

Ryan Bass, Environmental Program Manager, provided an update on the illumination plan, noting areas currently compliant with dark skies regulations and areas expected to change in the next submission. He confirmed that the project is vested under 2019 rules, while the new parking lot will comply with the current UDC.

City Attorney Mick McKamie discussed vesting under Local Government Code 245, noting that the 2019 plat application demonstrates progress and has not been abandoned. He added that courts treat commercial projects differently from residential projects, and the Buc-ee's project remains consistent with the original plan.

Discussion included water usage, with recycled water planned for the development. Engineering and Mobility Director Jeff Carroll provided a Transportation Impact Analysis (TIA) update, noting that staff and consultants are reviewing the study. He displayed a map of IH-10 and frontage roads showing TxDOT anticipated the project, with the bridge designed for six lanes and two turnarounds-more than at Bandera at HEB. The project will feature a dedicated deceleration lane, 100 fueling stations, and 26 electric vehicle charging stations.

Mayor Ritchie provided an opportunity for public comment regarding the amended agreement.

Kristin McGee, 133 Fair Springs expressed appreciation for the huge improvement to the agreement. She spoke regarding the traffic study, improvement of dark skies, signage, and the number of gas pumps.

Council Member Macaluso stated that he has lived in Menger Springs for 20 years. He knew the area could be a commercial project on IH-10. As a council member, he has worked to change the process so this issue won't happen in the future. He is happy that the pad sites are no longer. The revenue that the city will receive from Buc-ee's has doubled since the initial agreement 10 years ago. Buc-ee's has made concessions that they didn't need to.

Council Member Bunker stated that a lot of information that has been misunderstood. Buc-ee's can move forward without any of the changes to the agreement as long as they get their permits.

Mayor Ritchie stated that there has been many conversations with Buc-ee's. The city council has listened to the public. We are setting a new standard for Buc-ee's for traffic accessibility and dark skies. He expressed appreciation to staff and to Buc-ee's for coming to the table.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2025-R83; A RESOLUTION AMENDING THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND BUC-EE'S, LTD AND AUTHORIZING THE CITY MANAGER TO CONTINUE TO NEGOTIATE WITH BUC-EE'S AND TO FINALIZE A DOCUMENT TO BE SIGNED BETWEEN THE CITY AND BUC-EE'S AND TO COME BACK TO CITY COUNCIL IF THERE ARE OTHER AREAS OF CONCERN TO BE ADDRESSED PRIOR TO SIGNING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Bateman

12. ADJOURNMENT

Mayor Ritchie adjourned the meeting at 9:28 p.m.

Approved:

____

Mayor

Attest:

____

City Secretary