

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
JANUARY 14, 2025 – 6:00 PM

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

Absent: 1 - Council Member Sharon D. Wright

Staff Present: Ben Thatcher, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Lissette Jimenez, Mike Mann, Mick McKamie, Mike Raute, Chastity Valdes, and Danny Zincke.

Recognized / Recognized Guests: Linda Zartler and Josh Valenta

1. CALL TO ORDER – 6:00 PM

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

Mayor Ritchie called Pastor Chad Mason with First Baptist Church to provide the invocation.

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

Mayor Ritchie stated that agenda item 5.b. will not be considered this evening nor will the public hearing take place.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:

4.D. Council Member Macaluso stated that he hoped the project looked like the rendering with Hill County appeal.

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

Absent: 1 - Council Member Wright

A. CONSIDER APPROVAL OF THE MINUTES FROM THE REGULAR CALLED CITY COUNCIL MEETING OF DECEMBER 10, 2024.

THE MINUTES WERE APPROVED.

B. CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

C. CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

D. CONSIDER ON SECOND 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. (At the request of Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)

THE ORDINANCE WAS APPROVED.

- E. CONSIDER ON SECOND 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 and Historic Districts)

THE ORDINANCE WAS APPROVED.

- F. CONSIDER ON SECOND READING ORDINANCE NO. 2024-28; 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 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 CHAPTER 5 - ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES, APPENDIX A - DEFINITIONS RELATED TO MOBILE FOOD UNITS AND MOBILE FOOD PARKS;

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

THE ORDINANCE WAS APPROVED.

- G. CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- H. CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- I. CONSIDER RESOLUTION NO. 2025-R01; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF A PORTION OF CASCADE CAVERNS ROAD (0.927 ACRES), BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING. (Set Public Hearing for February 11, 2025, at the request of Kendall County)

THE RESOLUTION WAS APPROVED.

- J. CONSIDER RESOLUTION NO. 2025-R02; 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 BRIDGE INVESTMENT PROGRAM (BIP) GRANT PROGRAM.

THE RESOLUTION WAS APPROVED.

- K. CONSIDER RESOLUTION NO. 2025-R03, A RESOLUTION OF THE CITY OF BOERNE AUTHORIZING THE CITY MANAGER TO EXECUTE AN ABANDONMENT AND TERMINATION OF UTILITY EASEMENT GRANTED TO THE CITY BY SETH FRITCHER, EXECUTED JUNE 13, 2023, RECORDED AS DOCUMENT NO. 381048 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

THE RESOLUTION WAS APPROVED.

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. CONSIDER THE PROPOSED CHARTER AMENDMENTS AS PRESENTED BY THE CHARTER REVIEW COMMISSION.

Mayor Ritchie invited Lori Carroll, City Secretary, to provide an overview of the Charter Review Commission's process for evaluating and recommending proposed amendments to the Home Rule Charter. Ms. Carroll reviewed each proposed amendment, outlining their purpose and implications. Mayor Ritchie extended his gratitude to the members of the Commission, recognizing their dedication and the significant time they devoted to this important effort.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE THE PROPOSED CHARTER AMENDMENTS AS PRESENTED BY THE CHARTER REVIEW COMMISSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Wright

B. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2025-01; 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, ZONING 71.12 ACRE TRACT FROM A HOL-INTERIM HOLDING ZONING DISTRICT TO R2-M MODERATE DENSITY RESIDENTIAL ZONING DISTRICT, LOCATED AT WEST STATE HIGHWAY 46 (KAD NO. 307605 AND 316184; A10360 - SURVEY 179 NEWTON & TAYLOR 71.12 ACRES) TO ALLOW FOR A SINGLE FAMILY SUBDIVISION. (FORESTAR (USA) REAL ESTATE GROUP INC. AND CONTINENTAL HOMES OF TEXAS, LP)

The public hearing and the ordinance was not discussed or considered.

6. RESOLUTIONS:

A. RECEIVE PROPOSALS AND CONSIDER RESOLUTION NO 2025-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND _____ AS CONSTRUCTION MANAGER AT RISK FOR NORTHSIDE COMMUNITY PARK BOND IMPROVEMENTS.

Mayor Ritchie called on Lissette Jimenez, Parks Director. Director Jimenez reviewed the process for selecting the Construction Manager at Risk for Northside Community Park Bond improvements. She displayed the agreement terms and fees.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE THE PROPOSALS AND APPROVE RESOLUTION NO 2025-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND WATERMAN CONSTRUCTION AS CONSTRUCTION MANAGER AT RISK FOR NORTHSIDE COMMUNITY PARK BOND IMPROVEMENTS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Wright

7. CITY MANAGER'S REPORT:

Mayor Ritchie called on Ben Thatcher, City Manager.

A. CITY PARK PLAYGROUND EXPANSION UPDATE.

City Manager Thatcher requested an update from Director Jimenez regarding the expansion of the playground at City Park. Director Jimenez highlighted that discussions about the project began in 2023 in partnership with the City of Boerne and the Parks Association. The project focuses on installing new equipment designed to promote inclusive play for children of all abilities. The anticipated completion date for the expansion is Spring 2025.

B. WEATHER RESPONSE UPDATE.

City Manager Thatcher stated fortunately the weather was not as bad as anticipated. He expressed appreciation to staff for being prepared and ready for the next weather event.

City Manager Thatcher stated that today was the start of the 89th legislative session and he will be providing periodic updates.

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

Mayor Pro Tem Wolosin expressed his gratitude and admiration for the Boerne Fire Department, noting that they have dispatched staff to assist with the ongoing fires in California. He extended his wishes for their safety and well-being during their efforts.

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

Mayor Ritchie convened the City Council into Executive Session at 6:21 p.m.

- A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING CITY POWERS AND DUTIES WITH REGARD TO PUBLIC HEALTH CONCERNS. (Cascade Cavern Road)**

No action was taken.

10. 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 6:41 p.m.

No action was taken.

11. ADJOURNMENT

Mayor Ritchie adjourned the City Council at 6:41 p.m.

Approved:

Mayor

Attest:

City Secretary