

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**December 12, 2023 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of December 12, 2023.

**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, Siria Arreola, Ryan Bass, Sarah Buckelew, Roy Burgess, Jeff Carroll, Lori Carroll, Nathan Crane, Susan Finch, Lissette Jimenez, Mike Mann, Mick McKamie, Terry Nolan, Steve Perez, Mike Raute, Chris Shadrock, and Kristy Stark.

**Recognized/Registered Guests:** Alexandria Rudd, Milan Michalec, Donna and Mark Lagleder, and Joe Bateman.

**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 Pastor Jason Brown of 1910 Church to provide the Invocation.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

**3. PUBLIC COMMENTS:**

Alex Rudd, 68 La Cancion spoke regarding water pollutants, detention ponds, and monitoring Boerne Lake. She stated that she will be happy to share

information she has collected with council members.

Milan Michalec resident of Kendall County and Director of Cow Creek Groundwater Conservation District provided a handout to the council members of the history of water in the county. He spoke regarding the necessity of a long-term strategic water plan.

**4. [2023-818](#) RECOGNITION OF ROY BURGESS FOR HIS YEARS OF SERVICE TO THE CITY OF BOERNE.**

Mayor Ritchie called on City Manager Ben Thatcher. Mr. Thatcher recognized Mr. Roy Burgess on his retirement after 38 years with the city. Mike Mann, Utilities Director provided the history of Roy's service in the Plants Department with the city and presented him with a plaque.

**5. CONSENT AGENDA:**

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, 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. [2023-833](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 28, 2023.**

THE MINUTES WERE APPROVED.

**B. [2023-816](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-37; AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BOERNE, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 2. PROCEDURES, ADDING SECTION 2.13 EXTRATERRITORIAL JURISDICTION, TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; AND CHAPTER 8. ENVIRONMENTAL DESIGN, SECTION 8.1 FLOODPLAIN MANAGEMENT, AND APPENDICES, APPENDIX A.**

DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Consider second reading of ordinance creating a process to release properties from the ETJ and amending the floodplain management section.)

THE ORDINANCE WAS APPROVED.

- C. [2023-762](#) CONSIDER RESOLUTION NO. 2023-R93; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY MANAGER AND DELL FINANCIAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$100,940.00. (Lease for computers)

THE RESOLUTION WAS APPROVED.

#### REGULAR AGENDA:

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

- A. [2023-832](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-38; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 16. PARKS AND RECREATION, SECTION 16-1, GENERAL PROVISIONS AND SECTION 16-2, BOERNE CITY LAKE, TO PROHIBIT THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Prohibit alcohol at Boerne City Lake)

Mayor Ritchie called on Ms. Lissette Jimenez, Parks and Recreation Director. Ms. Jimenez spoke regarding the necessity of change to the Boerne City Lake prohibiting the consumption and possession of alcoholic beverages. Discussion ensued regarding enforcement.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-38; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 16. PARKS AND RECREATION, SECTION 16-1, GENERAL PROVISIONS AND SECTION 16-2, BOERNE CITY LAKE, TO PROHIBIT THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (PROHIBIT ALCOHOL AT BOERNE CITY LAKE). 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. [2023-831](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-39; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 6. CEMETERY, SECTION 6-26. CEMETERY HOURS OF OPERATION AND SECTION 6-27. INTERMENT AND INURNMENT; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amend hours of operations and add double niche)**

Ms. Jimenez continued with proposed changes to the Boerne Cemetery ordinance.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-39; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 6. CEMETERY, SECTION 6-26. CEMETERY HOURS OF OPERATION AND SECTION 6-27. INTERMENT AND INURNMENT; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (AMEND HOURS OF OPERATIONS AND ADD DOUBLE NICHE). 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. [2023-804](#) **CONSIDER RESOLUTION NO. 2023-R94; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE MENDER CREEK AT OLD SAN ANTONIO ROAD LOW WATER CROSSING AMENDMENT NO. 2 FOR AN ADDITIONAL AMOUNT OF \$280,545.00. (Amendment to agreement for Menger Creek at Old San Antonio Rd. Bridge Project for a total of \$1,299,236.00)**

Mayor Ritchie called on Mr. Jeff Carroll, Engineering and Mobility Director. Mr. Carroll discussed the Menger Creek Bridge Project timeline which began in February 2022 which is a cost sharing project with Kendall County. He spoke on the goals of the bridge project. Mr. Carroll stated that as the project has evolved, there are additional unexpected costs.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R94; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE MENDER CREEK AT OLD SAN ANTONIO ROAD LOW WATER CROSSING AMENDMENT NO. 2 FOR AN ADDITIONAL AMOUNT OF \$280,545.00. (AMENDMENT TO AGREEMENT FOR MENDER CREEK AT OLD SAN ANTONIO RD. BRIDGE PROJECT FOR A TOTAL OF \$1,299,236.00). 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

- B. [2023-809](#) **CONSIDER RESOLUTION NO. 2023-R95; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING**

THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND OPEN AIR STUDIOS, LLC FOR THE ARCHITECTURAL DESIGN AND CONSTRUCTION PLAN DOCUMENTS OF THE PLANT AVENUE PARKING LOT IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$74,450.00. (Improvements to public parking lot behind Dodging Duck)

Mr. Carroll continued with the proposed improvements to the City's parking lot on Plant Avenue. He provided the history of the property and reviewed the proposed design concepts.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R95; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND OPEN AIR STUDIOS, LLC FOR THE ARCHITECTURAL DESIGN AND CONSTRUCTION PLAN DOCUMENTS OF THE PLANT AVENUE PARKING LOT IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$74,450.00. (IMPROVEMENTS TO PUBLIC PARKING LOT BEHIND DODGING DUCK). 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. OTHER:**

### **A. [2023-790](#) RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023.**

Mayor Ritchie called on Ms. Sarah Buckelew, Finance Director to review the fourth quarter financial and investment reports. Ms. Buckelew stated that as required by the Public Funds Investment Act the investment report must be presented to City Council at least quarterly. She reviewed notable transactions of fiscal year 2022-2023.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023. 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. [2023-817](#) MAYORAL APPOINTMENTS TO THE KENDALL COUNTY LIBRARY SYSTEM ADVISORY BOARD AND THE HISTORIC LANDMARK COMMISSION.**

Mayor Ritchie stated that it is his recommendation to reappoint Ms. Angela Kirby Buser and appoint Jennifer Hackett to the Kendall County Library System Advisory Board and appoint Joe Bateman to the Historic Landmark Commission.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE THE MAYORAL APPOINTMENTS TO THE KENDALL COUNTY LIBRARY SYSTEM ADVISORY BOARD AND THE HISTORIC LANDMARK COMMISSION. 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

**9. CITY MANAGER'S REPORT:**

Mayor Ritchie called on City Manager Ben Thatcher.

**A. [2023-787](#) RIVER ROAD BANK STABILIZATION PROJECT UPDATE.**

City Manager Thatcher asked Lissette Jimenez, Parks and Recreation Director to provide an update on the River Road Bank Stabilization project. She displayed photos of the present and future of the project. She provided an overview of the project to include fishing piers and elevated walkway. A ribbon-cutting will be planned in the Spring.

- B. [2023-772](#) PRESENTATION, OVERVIEW OF THE CITY'S ENVIRONMENTAL PROGRAM OBJECTIVES WITH A FOCUS ON WATER CONSERVATION, SURFACE WATER QUALITY, URBAN FORESTRY AND DARK SKIES.

City Manager Thatcher asked Ryan Bass, Environmental Program Manager and Jeff Carroll, Engineering and Mobility Director to provide an overview of the city's environmental programs to include Shoreline Park Development.

City Manager Thatcher expressed appreciation to the City Council Members for their service and the respect and support to staff. He wished them a safe holiday with family and friends.

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

No comments were received.

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

Mayor Ritchie convened the City Council into Executive Session at 7:40 p.m.

- A. [2023-801](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (Highway 46)

No action was taken.

- B. [2023-791](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (Ammann Road)

No action was taken.



**12. 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 8:22 p.m.

No action was taken.

**13. ADJOURNMENT**

Mayor Ritchie expressed appreciation to staff for their patience and to city council for volunteer work. He stated that he looks forward to next year.

Mayor Ritchie adjourned the City Council Meeting at 8:23 p.m.

Approved:

\_\_\_\_\_  
Mayor

Attest:

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