

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

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

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

Staff Present: Ben Thatcher, Siria Arreola, Walter Ball, Sarah Buckelew, Lori Carroll, Manny Casarez, Nathan Crane, Susan Finch, Steven Harms, Lissette Jimenez, Karen Kochheiser, Mike Mann, Mick McKamie, Nick Montagno, Steve Perez, Mike Raute, Chris Shadrock, Kelly Skovbjerg, Larry Woods, and Danny Zincke.

Recognized / Registered Guests: Perry Bush, Thomas Carlson, Mark Hawkins, Karen Hawkins, Pete Cardenas, Gary Veatch, Jan Rider, Travis Barbor, Sandra Scott, Sam Barton, Eric Waters, Joanne Williams, Mike Luckey, Becky Minster, Pamela Hodges, Seth Jones, Mark Lagleder, Lisa Espelage, Juliette Boosquet, and Travis Barber.

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 Eric Waters from St. Johns Lutheran 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. PUBLIC COMMENTS:

Perry Bush, 530 Oak Park Drive Unit #1900 expressed concerns with The Cottages on Oak Park development regarding the community features and facilities that have not been completed.

Thomas Carlson, 530 Oak Park Drive Unit #200 expressed concerns with The Cottages on Oak Park development regarding the community features and facilities that have not been completed.

Mark Hawkins, 530 Oak Park Drive Unit #100 expressed concerns with The Cottages on Oak Park development regarding the community features and facilities that have not been completed.

Jan Rider, 530 Oak Park Drive Unit #1500 expressed concerns with The Cottages on Oak Park development regarding the community features and facilities that have not been completed.

Juliette Boosquet, 530 Oak Park Drive Unit #700 expressed concerns with The Cottages on Oak Park development regarding the community features and facilities that have not been completed.

Travis Barber, 339 Ammann Road spoke regarding the city owned property on Ammann Road which shares his property line.

Lisa Espelage, 313 East Theissen spoke regarding the floodplain section of the city's UDC.

Mark Lagleder, 118 Mesquite Street spoke regarding the floodplain map.

Sam Barton, 137 Sage Canyon stated that he is a member of the Kendall Appraisal District's Review Board. He spoke regarding the proposed tax rate.

4. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, 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 Wright, Council Member Scott, Council Member Boddie, and Council Member Macaluso

- A. [2023-655](#) **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF AUGUST 22, 2023.**

THE MINUTES WERE APPROVED.

- B. [2023-669](#) **CONSIDER RESOLUTION NO. 2023-R66; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND THE RAINBOW SENIOR CENTER. (The Center)**

THE RESOLUTION WAS APPROVED.

- C. [2023-635](#) **CONSIDER RESOLUTION NO. 2023-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS CENTER.**

THE RESOLUTION WAS APPROVED.

- D. [2023-637](#) **CONSIDER RESOLUTION NO. 2023-R68; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.**

THE RESOLUTION WAS APPROVED.

- E. [2023-636](#) **CONSIDER RESOLUTION NO. 2023-R69; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE**

A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND HILL COUNTRY COURT APPOINTED SPECIAL ADVOCATES (CASA).

THE RESOLUTION WAS APPROVED.

- F. [2023-661](#) **CONSIDER RESOLUTION NO. 2023-R70; A RESOLUTION AUTHORIZING THE CITY MANGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND FAIR OAKS RANCH FOR THE USE OF THE CITY OF BOERNE ANIMAL CONTROL FACILITY.**

THE RESOLUTION WAS APPROVED.

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-558](#) **PRESENTATION AND PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR FISCAL YEAR 2023-2024.**

Mayor Ritchie called on City Manager Ben Thatcher and Finance Director Sarah Buckelew. Mr. Thatcher highlighted that Boerne operates uniquely and discussed the strategy components of developing the budget. He reviewed the budget cycle, the budget rigor, and the transparency of the budget with the interactive website. Ms. Buckelew reviewed the budget process and principles. Discussion ensued regarding the voter approved bond election which is mostly the reason for the tax increase and the ongoing expense of personnel needs for a growing community.

Ms. Buckelew continued with the tax rate agenda item (5.D.). She compared the city's property tax percentage on the average home cost in the city as compared to Kendall County, Boerne ISD, and Cow Creek. She reviewed the projects approved in the November bond election.

Mayor Ritchie opened the Public Hearing at 6:54 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 6:54 p.m.

- B. [2023-666](#) **CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-25; 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. 2023-25; 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 Boddie, and Council Member Macaluso

- C. [2023-559](#) **CONSIDER ORDINANCE NO. 2023-25; AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIOUS AMOUNTS THEREOF. (Adopting the annual budget)**

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ORDINANCE NO. 2023-25; AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIOUS AMOUNTS THEREOF. (ADOPTING THE ANNUAL BUDGET). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- D. [2023-662](#) **PRESENTATION AND PUBLIC HEARING ON THE PROPOSED AD VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR AT 47.66 CENTS PER EACH \$100 OF TAXABLE VALUE. (One of one hearing)**

Discussion was held with Agenda item 5.A.

Mayor Ritchie opened the Public Hearing at 6:56 p.m.

Sam Barton, 137 Sage Canyon stated that each property owner has four or five taxing authorities on their tax bill each year, so if one entity increases their tax rate it impacts property owner.

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

E. [2023-663](#) RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2023-2024 BUDGET.

Discussion ensued regarding the State Legislature's reduction in school district taxes which should be a reduction in the overall tax impact by approximately 18 cents.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2023-2024 BUDGET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

F. [2023-667](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-26; 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. 2023-26; 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 Boddie, and Council Member Macaluso

G. [2023-664](#) CONSIDER ORDINANCE NO. 2023-26; AN ORDINANCE SETTING THE AD VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR

AT 47.66 CENTS PER EACH \$100 OF TAXABLE VALUE. (Adopting the tax rate)

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF 47.66 CENTS PER \$100 VALUATION, WHICH EFFECTIVELY A 19.2% INCREASE IN THE TAX RATE AND APPROVE ORDINANCE 2023-26, SECONDED BY MAYOR PRO TEM WOLOSIN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

H. [2023-665](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2023-27; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2022-29 AND ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR PUBLICATION. (Establish fees for City of Boerne services)**

This item was not considered nor was there discussion at this meeting.

I. [2023-656](#) **PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-28; AN ORDINANCE ANNEXING A 1.633 ACRE PORTION OF RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of IH 10 right-of-way, at the request of Forestar (USA) Real Estate Group, Inc., Matkin**

Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Mayor Ritchie called on Nathan Crane, Interim Planning Director. Mr. Crane spoke regarding agenda items I-M. He stated that the property owner requested annexation. He displayed a map of the property location. The development's Master Plan was approved by the Planning and Zoning Commission in 2018 and a Development Agreement was approved in 2021. He provided the proposed uses of the project. Mr. Crane stated that the City Council will consider zoning at a later date. Water and sewer will be provided by Texas Water and Bandera Electric will supply the electricity.

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 MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-28; AN ORDINANCE ANNEXING A 1.633 ACRE PORTION OF RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (ONE OF ONE PUBLIC HEARING AND CONSIDER THE FIRST READING OF AN ORDINANCE ANNEXING A PORTION OF IH 10 RIGHT-OF-WAY, AT THE REQUEST OF FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, LP, EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- J. [2023-657](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-29; AN ORDINANCE ANNEXING A TOTAL OF 22.653 ACRES, MORE OR LESS, BEING 13.42 ACRES LOCATED AT 12 SPENCER ROAD (KAD NO. 37948), 2.07 ACRES LOCATED AT 2B SPENCER ROAD (KAD NO. 37947), 2.47 ACRES LOCATED AT 2 SPENCER ROAD (KAD NO. 14354), AND 4.69 ACRES LOCATED AT 8 SPENCER ROAD (KAD NO. 36891) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing 12 Spencer Rd, 2B Spencer Rd, 2 Spencer Rd, and 8 Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

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

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:16 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-29; AN ORDINANCE ANNEXING A TOTAL OF 22.653 ACRES, MORE OR LESS, BEING 13.42 ACRES LOCATED AT 12 SPENCER ROAD (KAD NO. 37948), 2.07 ACRES LOCATED AT 2B SPENCER ROAD (KAD NO. 37947), 2.47 ACRES LOCATED AT 2 SPENCER ROAD (KAD NO. 14354), AND 4.69 ACRES LOCATED AT 8 SPENCER ROAD (KAD NO. 36891) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (ONE OF ONE PUBLIC HEARING AND CONSIDER THE FIRST READING OF AN ORDINANCE ANNEXING 12 SPENCER RD, 2B SPENCER RD, 2 SPENCER RD, AND 8 SPENCER RD. AT THE REQUEST OF FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, LP, EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

K. [2023-658](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-30; AN ORDINANCE ANNEXING A 1.122 ACRE PORTION OF RIGHT-OF-WAY ALSO KNOWN AS SPENCER ROAD TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA,

and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Mayor Ritchie opened the Public Hearing at 7:17 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:17 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-30; AN ORDINANCE ANNEXING A 1.122 ACRE PORTION OF RIGHT-OF-WAY ALSO KNOWN AS SPENCER ROAD TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (ONE OF ONE PUBLIC HEARING AND CONSIDER THE FIRST READING OF AN ORDINANCE ANNEXING A PORTION OF SPENCER RD. AT THE REQUEST OF FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, LP, EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

L. [2023-659](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-31; AN ORDINANCE ANNEXING A 5.984 ACRE PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) AND A PORTION OF 10 SPENCER ROAD (KAD NO. 14916) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS,

ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of 10 Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Mayor Ritchie opened the Public Hearing at 7:18 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:18 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-31; AN ORDINANCE ANNEXING A 5.984 ACRE PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) AND A PORTION OF 10 SPENCER ROAD (KAD NO. 14916) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (ONE OF ONE PUBLIC HEARING AND CONSIDER THE FIRST READING OF AN ORDINANCE ANNEXING A PORTION OF 10 SPENCER RD. AT THE REQUEST OF FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, LP, EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

M. [2023-660](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-32; AN ORDINANCE ANNEXING A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID

HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of W Hwy 46, at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA.)

Mayor Ritchie opened the Public Hearing at 7:19 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:19 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-32; AN ORDINANCE ANNEXING A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (ONE OF ONE PUBLIC HEARING AND CONSIDER THE FIRST READING OF AN ORDINANCE ANNEXING A PORTION OF W HWY 46, AT THE REQUEST OF FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, LP, EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA.). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

N. [2023-634](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-33; 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. 2023-33; 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 Boddie, and Council Member Macaluso

O. [2023-653](#) CONSIDER ORDINANCE NO. 2023-33; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REPEALING ARTICLE IV, "YOUTH CURFEW" OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE BOERNE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Repealing the curfew ordinance)

Mayor Ritchie called on Police Chief Steve Perez. Chief Perez stated with the changes from the recent legislative session, House Bill 1819 does not allow a youth curfew ordinance to be enforced. This bill was effective September 1, 2023.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ORDINANCE NO. 2023-33; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REPEALING ARTICLE IV, "YOUTH CURFEW" OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE BOERNE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (REPEALING THE CURFEW ORDINANCE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. OTHER:

A. [2023-672](#) RECEIVE AND ACCEPT THE RESIGNATION FROM COUNCIL MEMBER DISTRICT 4, BRYCE BODDIE AND DECLARE A VACANCY

AS PER THE CITY OF BOERNE HOME RULE CHARTER.

Mayor Ritchie called on Lori Carroll, City Secretary to review the process for filling a vacancy on the City Council.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO RECEIVE AND ACCEPT THE RESIGNATION FROM COUNCIL MEMBER DISTRICT 4 BRYCE BODDIE AND DECLARE A VACANCY AS PER THE CITY OF BOERNE HOME RULE CHARTER. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Ben Thatcher.

A. [2023-652](#) INTRODUCTION TO WALTER BALL, ASSISTANT FIRE CHIEF OPERATIONS AND TRAINING.

City Manager Thatcher introduced new Assistant Fire Chief Walter Ball. Assistant Chief Ball will be responsible for operations and training for the Boerne Fire Department. He stated he has been in the fire service for 22 years. Chief Ball stated his recent service was with Bexar County. He is excited to be involved with a city again.

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

Mayor Pro Tem Wolosin stated that the floodplain discussion is ongoing. The city has hired a consultant to provide suggestions. He also mentioned that he missed the Boerne High School Homecoming Parade but heard it was great.

Council Member Bryce also spoke regarding the Homecoming Parade. He said it was great to see the support from the community.

Council Member Macaluso acknowledged a local Boerne individual who was

acclaimed for her life in Italy. This is Carolyn Chipman's daughter. The information was from Texas Public Radio.

Mayor Ritchie expressed appreciation to the directors of the Kendall County Fair Association for a wonderful event and to the community for supporting the Fair and also the Homecoming Parade.

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

Mayor Ritchie convened the City Council into Executive Session at 7:33 p.m.

- A. [2023-612](#) SECTION 551.072 - TO DELIBERATE THE SALE OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING COULD AFFECT THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Near Ammann Road)

NO ACTION WAS TAKEN.

- B. [2023-671](#) SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING COULD AFFECT THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Potential parks property)

NO DISCUSSION TOOK PLACE.

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 8:00 p.m.

11. ADJOURNMENT

Mayor Ritchie adjourned the City Council meeting at 8:00 p.m.

Approved:

Mayor

Attest:

City Secretary