

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**January 23, 2024 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of January 23, 2004.

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

**Absent:**           **1 -** Council Member Quinten Scott

**Staff Present:** Ben Thatcher, Siria Arreola, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Lissette Jimenez, Mike Mann, Mick McKamie, Steve Perez, Mike Raute, Chris Shadrock, Kristy Stark, and Danny Zincke.

**Recognized/Registered Guests:** Joe Bateman, Ben Eldredge, Andrew Sengler, Robert Perkins, Roberta Perkins, Jim Holton, Pamela Hodges, Pat Gessley, Wyatt Koch, and Mike R.

**1. CALL TO ORDER – 6:00 PM**

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

Mayor Ritchie provided the Invocation and 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:**

Andrew Sengler, 234 State Hwy 46 East spoke regarding the ETJ Interlocal Agreement with Kendall County.

Robert Perkins, 143 Cinnamon Creek expressed concerns regarding the natural gas supply issues in his neighborhood.

Ben Eldredge - 202 Shane Lane stated that he is the Executive Director of the Cibolo Conservancy and also on the Cow Creek Groundwater District Board of Directors. He spoke regarding the ETJ Interlocal Agreement.

#### **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 Wright, Council Member Bunker, and Council Member Macaluso

#### **A. CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF JANUARY 9, 2024.**

THE MINUTES WERE APPROVED.

#### **B. CONSIDER ON SECOND READING ORDINANCE NO. 2024-01; 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, GRANTING A SPECIAL USE PERMIT FOR AUTOMOBILE SALES TO 10.47 ACRES LOCATED AT 31905 INTERSTATE HIGHWAY 10 WEST (A10097 - SURVEY 170 A CRUZ, KAD NOS. 48805 AND 12233) IN A C3-EC, COMMUNITY COMMERCIAL ENTRANCE CORRIDOR OVERLAY DISTRICT AND A C4-EC, REGIONAL COMMERCIAL ENTRANCE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Consider on second reading an ordinance granting a special use permit for automobile sales at 31905 IH 10 W, at the request of K & C Holding LLC)**

THE ORDINANCE WAS APPROVED.

#### **C. CONSIDER ON SECOND READING ORDINANCE NO. 2024-02; AN**

ORDINANCE AMENDING ORDINANCE NO. 2023-25, CAPTIONED "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". (Consider on second reading an ordinance to amend FY 23-24 Budget for emergency W. Theissen Culvert repair)

THE ORDINANCE WAS APPROVED.

**REGULAR AGENDA:**

**5. RESOLUTIONS:**

- A. CONSIDER RESOLUTION NO. 2024-R06; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF, INC. FOR A CONCEPTUAL CORRIDOR STUDY OF OLD SAN ANTONIO ROAD FOR AN AMOUNT NOT TO EXCEED \$60,000.00.

Mayor Ritchie called on Mr. Jeff Carroll, Engineering and Mobility Director. Mr. Carroll stated that the corridor study for Old San Antonio Road is described in the Major Thoroughfare Plan and also on the Kendall County Boerne Fair Oaks Ranch transportation report. Discussion ensued regarding funding.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2024-R06; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF, INC. FOR A CONCEPTUAL CORRIDOR STUDY OF OLD SAN ANTONIO ROAD FOR AN AMOUNT NOT TO EXCEED \$60,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- B. CONSIDER RESOLUTION NO. 2024-R07; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF, INC.

**FOR A CONCEPTUAL CORRIDOR STUDY OF SCHOOL STREET FOR AN AMOUNT NOT TO EXCEED \$90,000.00.**

Mr. Carroll continued with a corridor study of School Street. He stated that School Street is one of the oldest roads in Boerne. The study will be from IH-10 to Main Street. School Street was identified in the Kendall County Boerne Fair Oaks Ranch transportation report.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2024-R07; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF, INC. FOR A CONCEPTUAL CORRIDOR STUDY OF SCHOOL STREET FOR AN AMOUNT NOT TO EXCEED \$90,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**C. CONSIDER RESOLUTION NO. 2024-R08; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN FOR AN ADA TRANSITION PLAN PHASE 3 FOR AN AMOUNT NOT TO EXCEED \$75,000.00.**

Mr. Carroll continued with the proposed agreement with Kimley-Horn for an ADA Transition Plan, phase 3. Mr. Carroll explained that an ADA Transition Plan is a federal requirement.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R08; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN FOR AN ADA TRANSITION PLAN PHASE 3 FOR AN AMOUNT NOT TO EXCEED \$75,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

- A.           **CONSIDER ON FIRST READING ORDINANCE NO. 2024-03; AMENDING ORDINANCE NO. 2023-25 CAPTIONED "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." (Amend Budget for fiscal year 2023-2024 to include two donations: \$50,000.00 to the animal control shelter and \$48,038.00 to Parks & Recreation Department for playground equipment)**

Mayor Ritchie called on Ms. Sarah Buckelew, Finance Director. Ms. Buckelew stated that the city recently received two donations, a donation in the amount of \$50,000.00 to be used at the animal shelter and the second donation in the amount \$48,038.00 for playground equipment to be located behind the Patrick Heath Public Library. A budget amendment is necessary to authorize both transactions.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER WRIGHT, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-03; AMENDING ORDINANCE NO. 2023-25 CAPTIONED "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." (AMEND BUDGET FOR FISCAL YEAR 2023-2024 TO INCLUDE TWO DONATIONS: \$50,000.00 TO THE ANIMAL CONTROL SHELTER AND \$48,038.00 TO PARKS & RECREATION DEPARTMENT FOR PLAYGROUND EQUIPMENT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

## **7. OTHER:**

- A.           **RECEIVE AND APPROVE THE FIRST QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023-2024.**

Ms. Buckelew continued with a review of the First Quarter Financial and Investment Report. She stated all funds are on track and there are no concerns. She mentioned that the sales tax revenue report does not include the Dickens on Main event. Discussion ensued regarding the declining permit revenue.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER WRIGHT, TO RECEIVE AND APPROVE THE FIRST QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023-2024. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**B. RECEIVE AND CONSIDER AMENDMENTS TO THE UTILITIES RULES AND REGULATIONS REGARDING CHANGES IN PROCEDURES, PROGRAMS AND SERVICES AVAILABLE.**

Ms. Buckelew continued with a review of the proposed changes to the city's Utilities Rules and Regulations.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BUNKER, TO RECEIVE AND CONSIDER AMENDMENTS TO THE UTILITIES RULES AND REGULATIONS REGARDING CHANGES IN PROCEDURES, PROGRAMS AND SERVICES AVAILABLE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**C. PUBLIC HEARING AND CONSIDER AN APPEAL OF A VESTED RIGHTS DETERMINATION OF THE CITY MANAGER FOR THE PROPERTY AT 227 WANDA STREET. (Public hearing and consideration postponed at the request of the property owner until a future meeting date.)**

No discussion, public hearing or consideration of the appeal took place as the applicant requested the public hearing and consideration of the appeal to be postponed until the February 27, 2024 City Council meeting.

**8. CITY MANAGER'S REPORT:****A. RECOGNITION OF CITY SECRETARY LORI CARROLL AND DEPUTY CITY SECRETARY SIRIA ARREOLA RECEIVING RE-CERTIFICATION OF TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM.**

City Manager Ben Thatcher recognized Lori Carroll and Siria Arreola on their city secretary re-certification. Mr. Thatcher highlighted the requirements of becoming a registered city secretary.

**B. WINTER WEATHER RESPONSE.**

City Manager Thatcher recognized staff on the response during the recent winter weather. He expressed appreciation to the dedication of workforce.

**C. PROJECTS UPDATE.**

City Manager Thatcher continued with an update on current city projects.

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

Council Member Wright stated she was proud of the response from the City of Boerne staff during the winter weather event to include Communication Director Shadrock's use of social media and staff's decision to open warming centers.

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

Mayor Ritchie convened the City Council into Executive Session at 6:43 p.m.

**A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY TO DISCUSS THE INTERLOCAL AGREEMENT FOR REGULATION OF SUBDIVISION PLATS IN THE ETJ BETWEEN THE CITY OF BOERNE AND KENDALL COUNTY.**

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 7:45 p.m.

No action was taken.

**12. ADJOURNMENT**

Mayor Ritchie adjourned the City Council Meeting at 7:45 p.m.

Approved:

\_\_\_\_\_  
Mayor

Attest:

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City Secretary