

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**November 28, 2023 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of November 28, 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, Jeff Carroll, Lori Carroll, Nathan Crane, Maria Guerrero, Mike Mann, Mick McKamie, Lety Moncada, Pedro Moncado, Steve Perez, Mike Raute, Chris Shadrock, Kristy Stark, and Danny Zincke.

**Recognized / Registered Guests:** Meg Grier, Alex Rudd, Joe and Heather Bateman, Liza Way, Pat Crump, Donna and Mark Lagleder.

**1. CALL TO ORDER – 6:00 PM**

Mayor Ritchie called the City Council Meeting 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.

Mayor Ritchie stated that agenda item 6.A. will be moved before the Public Comment agenda item.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

6A. CONSIDER RESOLUTION NO. 2023-R87; A RESOLUTION OF THE CITY OF BOERNE, TEXAS TO HONOR, RECOGNIZE AND RETIRE CITY OF BOERNE K-9 "TUCKER" UPON HER COMPLETION OF SERVICE.

Mayor Ritchie called on Police Chief Perez to celebrate the accomplishments of K-9 Tucker on her retirement. The current veterinarian will continue maintenance and care plan of Tucker as she continues to reside with handler Officer Pedro Moncada. Chief Perez introduced new K-9 Chico. Officer Moncada will be his handler. K-9 Tucker and Chico were both present for a photo opportunity.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R87; A RESOLUTION OF THE CITY OF BOERNE, TEXAS TO HONOR, RECOGNIZE AND RETIRE CITY OF BOERNE K-9 "TUCKER" UPON HER COMPLETION OF SERVICE. 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

### 3. PUBLIC COMMENTS:

Meg Grier, 3 Kaitlin Lane. Stated that she is a former GBRA board member. She spoke regarding the Western Canyon water supply contract and requested that the city cease the sell of water outside of the CCN and halt the water main project on Ammann Road.

Alex Rudd, 68 La Cancion Drive provided photos of the construction of the Shoreline development and expressed concerns.

### 4. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, 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 Bunker, and Council Member Macaluso

- A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 14, 2023.**

THE MINUTES WERE APPROVED.

- B. CONSIDER RESOLUTION NO. 2023-R85; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND KENDALL COUNTY FOR DETENTION SERVICES.**

THE RESOLUTION WAS APPROVED.

- C. CONSIDER RESOLUTION NO. 2023-R86; A RESOLUTION APPOINTING JOHN WOOLARD TO THE KENDALL APPRAISAL DISTRICT BOARD OF DIRECTORS.**

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. 2023-37; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE BOERNE UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, PROVIDING AMENDMENTS TO INCLUDE BUT NOT LIMITED TO 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. (One of one public hearing and consider first reading of ordinance creating a process to release properties from the ETJ and amending the floodplain management section.)**

Mayor Ritchie called on Nathan Crane, Planning Director and Jeff Carroll, Engineering and Mobility Director to discuss the proposed amendments to the UDC. Mr. Crane reviewed the proposed added procedures for petitions for the release from the city's ETJ related to SB 2038. Discussion ensued regarding the ETJ agreement with Kendall County. Mr. Carroll discussed the proposed floodplain amendments to the UDC. Discussion ensued regarding FEMA requirements.

Mayor Ritchie opened the Public Hearing at 6:31 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 6:31 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-37; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE BOERNE UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, PROVIDING AMENDMENTS TO INCLUDE BUT NOT LIMITED TO 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. (ONE OF ONE PUBLIC HEARING AND CONSIDER FIRST READING OF ORDINANCE CREATING A PROCESS TO RELEASE PROPERTIES FROM THE ETJ AND AMENDING THE FLOODPLAIN MANAGEMENT SECTION.). 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

#### 6. RESOLUTIONS:

**B. CONSIDER RESOLUTION NO. 2023-R88; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MUTUAL AID AGREEMENT FOR MULTI-JURISDICTIONAL TACTICAL RESPONSE TEAM BETWEEN THE CITY OF BOERNE, CITY OF KERRVILLE, AND THE CITY OF FREDERICKSBURG, TEXAS.**

Chief Perez continued with a review of the proposed formal multi-jurisdictional agreement with the city of Fredericksburg and the city of Kerrville.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2023-R88; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MUTUAL AID AGREEMENT FOR MULTI-JURISDICTIONAL TACTICAL RESPONSE TEAM BETWEEN THE CITY OF BOERNE, CITY OF KERRVILLE, AND THE CITY OF FREDERICKSBURG, TEXAS. 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

**C. CONSIDER RESOLUTION NO. 2023-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE AMMANN ROAD GBRA WATER MAIN EXTENSION FOR AN AMOUNT NOT TO EXCEED \$365,000.00. (Design of a water main along Ammann Road to a new GBRA Western Canyon Water Supply Project delivery point.)**

Mayor Ritchie called on Mike Mann, Utilities Director. Mr. Mann explained that the city is in the process of developing a new delivery point for water from GBRA's treated water pipeline. The proposed professional services agreement with Kimley-Horn will include investigation of existing ROW areas, design services, and construction phase services.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE AMMANN ROAD GBRA WATER MAIN EXTENSION FOR AN AMOUNT NOT TO EXCEED \$365,000.00. (DESIGN OF A WATER MAIN ALONG AMMANN ROAD TO A NEW GBRA WESTERN CANYON WATER SUPPLY PROJECT DELIVERY POINT.). 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

- D. CONSIDER RESOLUTION NO. 2023-R90; A RESOLUTION DESIGNATING THE CITY'S QUARTERLY ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO 185, 740, 740, AND 185 ACRE-FEET FOR CALENDAR YEAR 2024. (Quarterly allocations of 10, 40, 40, and 10 percent)**

Mr. Mann continued with Cow Creek Groundwater Conservation District allocation. The permit requires that the city submit a proposed Quarterly Scheduled Withdrawal amount every year.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2023-R90; A RESOLUTION DESIGNATING THE CITY'S QUARTERLY ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO 185, 740, 740, AND 185 ACRE-FEET FOR CALENDAR YEAR 2024. (QUARTERLY ALLOCATIONS OF 10, 40, 40, AND 10 PERCENT). 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

- E. CONSIDER RESOLUTION NO. 2023-R91; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO INCREASE THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2024 TO 2,125 ACRE-FEET. (Increase commitment of water from 1,900 acre-feet to 2,125 acre-feet)**

Mr. Mann continued with the discussion regarding the annual commitment of water from GBRA. It is staff's recommendation to increase the annual commitment from 1,900 to 2,125 AF for calendar year 2024. This increase will cover base flow which will leave more water in our wells and lake. Discussion ensued regarding doing more to conserve water.

A MOTION WAS MADE BY COUNCIL MEMBER BUNKER, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R91; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO INCREASE THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2024 TO 2,125 ACRE-FEET. (INCREASE COMMITMENT OF WATER FROM 1,900 ACRE-FEET TO 2,125 ACRE-FEET). 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

**F. CONSIDER RESOLUTION NO. 2023-R92; 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 City Manager Ben Thatcher. Mr. Thatcher stated that the city has received a request from Morningside Ministries to approve a resolution of support for their application of tax-exempt financing for capital improvements to their campus. Council Member Macaluso stated that council approved a similar request in 2019 and 2022. There is no financial risk to the city. City Attorney McKamie explained the process for applicants to obtain credits.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2023-R92; 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:** 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

## **7. CITY MANAGER'S REPORT:**



Mayor Ritchie called on City Manager Thatcher to provide the monthly projects report.

**A. MONTHLY PROJECTS REPORT.**

City Manager Thatcher provided the status of various city projects.

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

Mayor Pro Tem Wolosin expressed appreciation to staff for a successful Dickens event. He spoke regarding the Shoreline Development and that the developer KB Homes gave a lot that wasn't required. He stated that city staff does monitor and test lake water.

Council Member Macaluso spoke regarding TCEQ violations and asked that the city reach out to TCEQ. City Manager Thatcher stated that at the next city council meeting there will be discussion regarding the city's environmental program.

Mayor Ritchie stated that Dickens was a wonderful event and expressed appreciation to everyone involved.

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

Mayor Ritchie convened the City Council into Executive Session at 7:09 p.m.

**A. SECTION 551.701 - CONSULTATION WITH ATTORNEY TO DISCUSS APPEALS TO VESTED RIGHTS DETERMINATIONS.**

No action was taken.

**B. SECTION 551.074 - PERSONNEL MATTERS: RELATED TO THE CITY MANAGER'S EVALUATION.**

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 7:50 p.m.

No action was taken.

**11. ADJOURNMENT**

Mayor Ritchie adjourned the City Council Meeting at 7:50 p.m.

Approved:

\_\_\_\_\_  
Mayor

Attest:

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City Secretary