

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
August 8, 2023 – 6:00 PM

Minutes of the Regular Called City Council Meeting of August 8, 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, Paul Barwick, Sarah Buckelew, Jeff Carroll, Lori Carroll, Susan Finch, Steven Harms, Lissette Jimenez, Karen Kochheiser, Mick McKamie, Steve Perez, Mike Raute, Chris Shadrock, Kristy Stark, and Danny Zincke.

Registered/Recognized Guests: Duane Westerman, Nick Westerman, Milan Michalec, Alex Rudd, Nancy White, Lanore Ockerberg, James Mazal, Caleb Gaston, Keith Brady, and Lucas Hiler.

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 Mark Quick of the Living Hope 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

Council Member Boddie stated that he has a conflict with agenda item 7.D.

3. PUBLIC COMMENTS:

Milan Michalec, Member of the Board of Directors of Cow Creek Groundwater Conservation District expressed appreciation to city council and staff regarding the communication to the community regarding conserving water. He also expressed concerns with Mill Pond.

Mark Lagleder, 118 Mesquite expressed concerns regarding the city's flood plain ordinance.

Alex Rudd, 68 La Cancion spoke regarding water. She stated that city officials and staff have a difficult task to justify a pause on new development.

Lanore Ockerberg spoke regarding the proposed Short Term Rental Ordinance. She expressed concerns with the city's strict requirements.

Nancy White, 401 Breckenridge spoke regarding the proposed Short Term Rental Ordinance and the requirements applied to the commercial district.

Caleb Gaston, 130 Cibolo Basin spoke regarding the proposed Short Term Rental Ordinance. He feels the ordinance is overreaching. He asked that the ordinance not be approved.

4. [2023-604](#) PRESENTATION ON STATE LAW REQUIREMENTS OF MORATORIUMS.

Mayor Ritchie spoke regarding the drought specifically caused by lack of rain. Mayor Ritchie called on city attorney Mick McKamie to provide information addressing a development moratorium. Mr. McKamie stated that there has to be proof that the utility is near, at or beyond capacity. Boerne does not fall in these categories and could be subject to legal action. A moratorium can only be limited to where the issue is for a maximum of 120 days subject to a one-time extension. Mr. McKamie spoke regarding the Governor's Proclamation which does not suspend the rules of a moratorium.

5. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BODDIE, 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. [2023-592](#) CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING OF JULY 18, 2023 (ETHICS TRAINING) AND THE REGULAR CALLED CITY COUNCIL MEETING OF JULY 25, 2023.

THE MINUTES WERE APPROVED.

- B. [2023-585](#) CONSIDER RESOLUTION NO. 2023-R56; A RESOLUTION APPROVING A CONTRACT RENEWAL WITH BLUE CROSS BLUE SHIELD OF TEXAS (BCBS) TO PROVIDE MEDICAL BENEFITS FOR PLAN YEAR OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024.

THE RESOLUTION WAS APPROVED.

- C. [2023-586](#) CONSIDER RESOLUTION NO. 2023-R57; A RESOLUTION APPROVING A CONTRACT RENEWAL WITH GUARDIAN TO PROVIDE DENTAL, VISION, AND ANCILLARY PRODUCTS FOR PLAN YEAR OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024.

THE RESOLUTION WAS APPROVED.

- D. [2023-615](#) CONSIDER RESOLUTION NO. 2023-R58; A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND ALAMO AREA COUNCIL OF GOVERNMENTS FOR E9-1-1 PUBLIC SAFETY ANSWERING POINT SERVICES.

THE RESOLUTION WAS APPROVED.

- E. [2023-588](#) CONSIDER MAYORAL APPOINTMENT TO THE VISIT BOERNE ADVISORY BOARD.

THE MAYORAL APPOINTMENT OF PAULA LAY WAS APPROVED.

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-589](#) PRESENTATION AND CONSIDER ON SECOND READING ORDINANCE NO. 2023-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT. (Regulation of short-term rental properties)

Mayor Ritchie called on Ms. Kristy Stark, Assistant City Manager. Ms. Stark reviewed changes to the proposed ordinance based on city council's feedback. Discussion ensued regarding Transferability versus Right of Reservation, insurance, identifying locations, and separation distance. Ms. Stark provided a timeline, August 9, 2023 those on the waiting list will be able to complete the application process first; and before January 31, 2024, temporary and regular permit holders will complete application and inspection. Mayor Ritchie stated that it is important to be proactive, not reactive in keeping our community in mind. He expressed appreciation to city staff and the short term rental owners for their efforts during the process.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON SECOND READING ORDINANCE NO. 2023-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; WITH AMENDMENTS OF ADDING A 90 DAY RIGHT OF RESERVATION PERIOD AND REMOVING TRANSFERABILITY OF ONE YEAR. PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT. (REGULATION OF SHORT-TERM RENTAL PROPERTIES). 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

B. [2023-606](#) CONSIDER A ONE-TIME READING OF ORDINANCE 2023-22; 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 MACALUSO, TO APPROVE A ONE-TIME READING OF ORDINANCE 2023-22; 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. [2023-587](#) CONSIDER ORDINANCE NO. 2023-22; ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS GENERAL OBLIGATION BONDS, SERIES 2023"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; AUTHORIZING THE EXECUTION OF ANY NECESSARY

ENGAGEMENT AGREEMENT WITH THE CITY'S FINANCIAL ADVISORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Ritchie called on Ms. Sarah Buckelew, Finance Director to review the proposed ordinance for issuing the first debt to get started on projects that were approved by the voters. It is expected the remainder to be issued next year. She reviewed the propositions approved by voters on November 8, 2022. Ms. Buckelew also provided information reaffirming the city's Aa2 credit rating. The average resident income and size of tax base has to do with credit rating. Aa2 is the best rating we can get with our current size.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ORDINANCE NO. 2023-22; ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS GENERAL OBLIGATION BONDS, SERIES 2023"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENT WITH THE CITY'S FINANCIAL ADVISORS; AND PROVIDING FOR AN EFFECTIVE DATE. 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. RESOLUTIONS:

- A. [2023-422](#) CONSIDER RESOLUTION NO. 2023-R59; 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 RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10, 12 SPENCER ROAD (KAD. NO. 37948), 2B SPENCER ROAD (KAD. NO. 37947), 2 SPENCER ROAD (KAD NO. 14354), 8 SPENCER ROAD (KAD. NO. 36891), A PORTION OF RIGHT-OF-WAY ALSO KNOWN AS SPENCER ROAD, A PORTION OF 10 SPENCER ROAD (KAD NO. 14916) AND A PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC

HEARING; AND CONSIDER APPROVAL OF A MUNICIPAL SERVICE PLAN AGREEMENT. (Set Public Hearing for September 12, 2023, at 6:00 p.m. for the proposed annexation of a portion of Spencer Ranch)

Mayor Ritchie called on Mr. Nathan Crane, Interim Planning Director. Mr. Crane displayed a map of the location of the property under consideration. He stated that the proposed annexation is at the request of the property owner. To begin the annexation process, it is necessary to set a date and time for a public hearing and to approve the Municipal Service Plan.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R59; 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 RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10, 12 SPENCER ROAD (KAD. NO. 37948), 2B SPENCER ROAD (KAD. NO. 37947), 2 SPENCER ROAD (KAD NO. 14354), 8 SPENCER ROAD (KAD. NO. 36891), A PORTION OF RIGHT-OF-WAY ALSO KNOWN AS SPENCER ROAD, A PORTION OF 10 SPENCER ROAD (KAD NO. 14916) AND A PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING; AND CONSIDER APPROVAL OF A MUNICIPAL SERVICE PLAN AGREEMENT. (SET PUBLIC HEARING FOR SEPTEMBER 12, 2023, AT 6:00 P.M. FOR THE PROPOSED ANNEXATION OF A PORTION OF SPENCER RANCH). 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

B. [2023-609](#) RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2023-R60; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR THE RIVER ROAD BANK PARK STABILIZATION PROJECT TO _____ FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.

Mayor Ritchie called on Lissette Jimenez, Parks Director. Ms. Jimenez reviewed

the project and stated that two bids were received. Agave Studio, LLC, the low bidder has completed many successful projects in Boerne. She provided a construction schedule with the project beginning next month and ending February 2024.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO RECEIVE BIDS AND APPROVE RESOLUTION NO. 2023-R60; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR THE RIVER ROAD BANK PARK STABILIZATION PROJECT TO AGAVE DESIGN STUDIO, LLC FOR AN AMOUNT NOT TO EXCEED \$2,305,523.44; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. 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. [2023-611](#) CONSIDER RESOLUTION NO. 2023-R61; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND ECOSYSTEM PLANNING & RESTORATION FOR THE RIVER ROAD PARK BANK STABILIZATION PROJECT CONSTRUCTION ADMINISTRATION AND OVERSIGHT FOR AN AMOUNT NOT TO EXCEED \$75,770.00.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WRIGHT, TO APPROVE RESOLUTION NO. 2023-R61; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND ECOSYSTEM PLANNING & RESTORATION FOR THE RIVER ROAD PARK BANK STABILIZATION PROJECT CONSTRUCTION ADMINISTRATION AND OVERSIGHT FOR AN AMOUNT NOT TO EXCEED \$75,770.00. 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. [2023-596](#) CONSIDER RESOLUTION NO. 2023-R62; 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 HILL COUNTRY FAMILY SERVICES.

Council Member Boddie recused himself and stepped away from the dais.

Mayor Ritchie called on Police Chief Perez to discuss the Shared Services Agreement with Hill Country Family Services (HCFS). Chief Perez stated that the city has collaborated with HCFS to add mental health services. This year it looks as though the number of Emergency Detentions will surpass the 142 from last year.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R62; 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 HILL COUNTRY FAMILY SERVICES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Recused: 1 - Council Member Boddie

8. OTHER:

A. [2023-555](#) RECEIVE THE CITY OF BOERNE'S 2023 CERTIFIED APPRAISAL ROLL VALUES, TAX RATE CALCULATION, CERTIFICATION OF ADDITIONAL SALES TAX FORM AND CERTIFY ANTICIPATED COLLECTION RATE AND EXCESS DEBT COLLECTIONS.

Mayor Ritchie call Ms. Sarah Buckelew, Finance Director. Ms. Buckelew introduced the finance staff in the audience, Karen Kochheiser is the new assistant director and Steven Harms, Budget Coordinator. Ms. Buckelew provided the Certified Appraisal Roll Values Summary provided by the Kendall Appraisal District for purpose of calculating tax rates and building the City's budget. She provided a proposed budget and tax rate timeline. She noted that council is not considering the tax rate at this time. She also mentioned that

many people think that property appraisals come from the city. The property appraisals actually are the responsibility of Kendall Appraisal District.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WRIGHT, TO RECEIVE THE CITY OF BOERNE'S 2023 CERTIFIED APPRAISAL ROLL VALUES, TAX RATE CALCULATION, CERTIFICATION OF ADDITIONAL SALES TAX FORM AND CERTIFY ANTICIPATED COLLECTION RATE AND EXCESS DEBT COLLECTIONS. 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

B. [2023-603](#) RECEIVE AND APPROVE THE THIRD QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023.

Ms. Bucklew continued with a presentation of the Third Quarter Financial and Investment Reports. She stated that the City is required by the Public Funds Investment Act to present an investment report at least quarterly.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO RECEIVE AND APPROVE THE THIRD 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 Boddie, and Council Member Macaluso

9. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Ben Thatcher to present the City Manager's Report.

A. [2023-595](#) WATER CONSERVATION - CONSUMPTION AND ENFORCEMENT UPDATE.

City Manager Thatcher stated that notification has been sent to water

customers regarding Stage 2 restrictions. He reviewed the new restrictions. Mr. Thatcher stated that enforcement efforts have been increased with Code Enforcement staff, Police, Fire, and building inspectors monitoring watering violations. A warning will be issued to first time abusers with a fine if watering continues in violation of the restrictions. A link is available on the city's website to report violations. City Manager Thatcher wished the community best of luck in the new school year.

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

Council Member Boddie wished everyone good luck in new school year and expressed appreciation to School Resource Officers and others who keep the schools safe.

Council Member Macaluso stated that he and his wife will be celebrating their 50th wedding anniversary on Friday, August 11th.

Mayor Ritchie expressed appreciation to staff for all they do.

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

Mayor Ritchie convened the City Council into Executive Session at 7:38 p.m.

- A. [2023-571](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY TO RECEIVE AND DISCUSS LEGAL ISSUES RELATED TO ESTABLISHMENT, IMPLEMENTATION AND ENFORCEMENT OF FLOODPLAIN REGULATIONS.

NO ACTION WAS TAKEN.

- B. [2023-593](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY, DISCUSSION ON VALUE OF LAND, IMPROVEMENTS, AND POSSIBLE SALE OF THE FORMER PUBLIC WORKS BUILDING LOCATED AT 400 EAST BLANCO ROAD.

NO ACTION WAS TAKEN.

- C. [2023-594](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY, DISCUSSION ON VALUE OF LAND, IMPROVEMENTS, AND POSSIBLE SALE OF THE FORMER CITY HALL BUILDING LOCATED AT 402 EAST BLANCO 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 8:29 p.m.

- A. [2023-607](#) CONSIDER A ONE-TIME READING OF ORDINANCE 2023-23; 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 BODDIE, TO APPROVE A ONE-TIME READING OF ORDINANCE 2023-23; 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

- B. [2023-572](#) CONSIDER ORDINANCE NO. 2023-23; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 400 E. BLANCO ROAD, BOERNE, KENDALL COUNTY, TEXAS (THE "PROPERTY") TO _____, IN THE AMOUNT OF \$_____ PLUS TITLE AND OTHER CLOSING COSTS; DECLARING THAT THE PROPERTY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Ritchie called on Mr. Nick Montagno, Assistant to the City Manager. Mr. Montagno reviewed state requirements for selling city property. He stated the location of 400 East Blanco was going to be the location of Das Greenhaus. They have since located to Upper Balcones Road. The City has been in

negotiations with Kendall County Commissioners Court to purchase the property.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ORDINANCE NO. 2023-23; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 400 E. BLANCO ROAD, BOERNE, KENDALL COUNTY, TEXAS (THE "PROPERTY") TO KENDALL COUNTY, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$1,846,000 PLUS TITLE AND OTHER CLOSING COSTS; DECLARING THAT THE PROPERTY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. 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. [2023-608](#) CONSIDER A ONE-TIME READING OF ORDINANCE 2023-24; 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 BODDIE, TO APPROVE A ONE-TIME READING OF ORDINANCE 2023-24; 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

D. [2023-573](#) CONSIDER ORDINANCE NO. 2023-24; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 402 E. BLANCO ROAD, BOERNE, KENDALL COUNTY, TEXAS (THE "PROPERTY") TO _____, IN THE AMOUNT OF \$_____ PLUS TITLE, BROKER'S FEES, AND OTHER CLOSING COSTS; DECLARING THAT THE PROPERTY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AUTHORIZING THE

CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Montagno continued with discussion on the sale of 402 East Blanco Road. He reminded the Council Members that last year, the city hired broker JLL to market 402 East Blanco Road. Three offers were received all for the full asking price which is the appraised value. Ridan Investments has a proposed use of a boutique hotel which staff feels is a good use for the property.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ORDINANCE NO. 2023-24; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 402 E. BLANCO ROAD, BOERNE, KENDALL COUNTY, TEXAS (THE "PROPERTY") TO RIDAN INVESTMENTS, IN THE AMOUNT OF \$2,500,000 PLUS TITLE, BROKER'S FEES, AND OTHER CLOSING COSTS; DECLARING THAT THE PROPERTY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. 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

13. ADJOURNMENT

Mayor Ritchie adjourned the City Council Meeting at 8:35 p.m.

Approved:

Mayor

Attest:

City Secretary

