

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**June 25, 2024 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of June 25, 2024.

**Present:** 4 - Mayor Frank Ritchie, Council Member Joseph Macaluso, Council Member Quinten Scott, and Mayor Pro Tem Ty Wolosin

**Absent:** 2 - Council Member Sharon D. Wright, and Council Member Bret A. Bunker

**Staff Present:** Ben Thatcher, Walter Ball, Sarah Buckelew, Lori Carroll, Nathan Crane, Lissette Jimenez, Mike Mann, Mick McKamie, Mike Raute, Cheryl Rogers, Kristy Stark, Chastity Valdes, and Danny Zincke.

**Recognized / Registered Guests:** Joe and Heather Bateman and Grant Gary.

**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.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

Mayor Ritchie stated that agenda item 6A will be postponed to a future meeting.

**3. PUBLIC COMMENTS:**

No comments were received.

**4. CONSENT AGENDA:**

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

**A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF JUNE 11, 2024**

THE MINUTES WERE APPROVED.

**B. CONSIDER ON SECOND READING ORDINANCE NO. 2024-08; AN ORDINANCE ANNEXING APPROXIMATELY 71.474 ACRES BEING A PORTION OF RIGHT-OF-WAY ON WEST STATE HIGHWAY 46 AND A PORTION OF WEST STATE HIGHWAY 46 (KAD NO. 307605) INTO 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.**

THE ORDINANCE WAS APPROVED.

**C. CONSIDER ON SECOND READING ORDINANCE NO. 2024-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS DIS-ANNEXING .082 +/- ACRE TRACT OF LAND LOCATED AT 33565 IH 10 WEST FROM THE CORPORATE LIMITS OF THE CITY; AUTHORIZING NECESSARY ACTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (at the request of property owners Chad and Kerri Properties LP)**

THE ORDINANCE WAS APPROVED.

- D. CONSIDER RESOLUTION NO. 2024-R44; 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 APPROXIMATELY 16.612 +/- ACRES OF LAND LOCATED NORTH OF THE INTERSECTION OF DAISY LANE AND IH-10 (KAD NO. 15889, 15846, 17398, 13723, 17397, 17405), BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING. (SET PUBLIC HEARING FOR JULY 23, 2024, AT 6:00 P.M. FOR A PROPOSED ANNEXATION, AT THE REQUEST OF PROPERTY OWNERS BALOUS & JULIE MILLER)

THE RESOLUTION WAS APPROVED.

- E. CONSIDER RESOLUTION NO. 2024-R45; A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE AGREEMENT BETWEEN THE CITY OF BOERNE AND RECON INFOSEC, FOR MANAGE, DETECTION & RESPONSE SERVICE FOR AN AMOUNT NOT TO EXCEED \$64,772.00. (IT SECURITY)

THE RESOLUTION WAS APPROVED.

#### REGULAR AGENDA:

#### 5. RESOLUTIONS:

- A. CONSIDER RESOLUTION NO. 2024-R46; A REQUEST FOR A RENEWAL FOR A SPECIAL USE PERMIT FOR WOODMONT ACADEMY LLC (KIDDIE ACADEMY PRE-SCHOOL, A10441 - SURVEY 183 J SMALL, KAD NO. 15815) GENERALLY LOCATED AT 12 HERFF ROAD AND WEST OF LEGACY OAK LANE.

Mayor Ritchie called on Nathan Crane, Planning Director. Director Crane presented the renewal request for a special use permit for Kiddie Academy. The project has shown progress, including approved public infrastructure plans. The council discussed additional measures, such as rainwater catchment, to be incorporated into the project.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R46; A REQUEST FOR A RENEWAL FOR A SPECIAL USE PERMIT FOR WOODMONT ACADEMY LLC (KIDDIE ACADEMY PRE-SCHOOL, A10441- SURVEY 183 J SMALL, KAD NO. 15815) GENERALLY LOCATED AT 12 HERFF ROAD AND WEST OF LEGACY OAK LANE TO INCLUDE STIPULATIONS RECOMMENDED BY STAFF: 1. THE CONDITIONS APPROVED AS PART OF ORDINANCE NO. 2023-05 REMAIN IN EFFECT, 2. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 30' TO ALIGN WITH C2 (TRANSITIONAL COMMERCIAL) ZONING DISTRICT DIMENSIONAL STANDARDS, AND 3. THAT THE APPLICANT WORK WITH STAFF TO ACHIEVE RAINWATER CATCHMENT WITH THE GOAL OF A 1,000 GALLON RETENTION FACILITY OR RETENTION VEHICLE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

**B. CONSIDER RESOLUTION NO. 2024-R47; A RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANTS TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT UNDER THE LOCAL PARK GRANT PROGRAM AND DESIGNATING THE CITY'S PARKS & RECREATION DIRECTOR AS THE AUTHORIZED REPRESENTATIVE FOR THE GRANT PROGRAMS.**

Mayor Ritchie called on Lissette Jimenez, Parks and Recreation Director. Director Jimenez explained that support from council is required to apply for two Texas Parks and Wildlife grants which would require a 50% match from the city. The grant request is due in August and we expect a response to the application in January 2025.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2024-R47; A RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANTS TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT UNDER THE LOCAL PARK GRANT PROGRAM AND DESIGNATING THE CITY'S PARKS & RECREATION DIRECTOR AS THE AUTHORIZED REPRESENTATIVE FOR THE GRANT PROGRAMS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

**C. CONSIDER RESOLUTION NO. 2024-R48; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, RECEIVING BIDS AND AWARDING THE CONSTRUCTION CONTRACT FOR ESPERANZA SITE A, POTABLE WATER TANK MIXER PROJECT TO MGC CONTRACTORS, INC. FOR AN AMOUNT NOT TO EXCEED \$195,000; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.**

Mayor Ritchie called on Mike Mann, Utilities Director. Director Mike Mann presented the project to install a mixer in the potable water tank at Esperanza Site A to maintain water freshness. Although several plans were picked up only one bid was received.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R48; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, RECEIVING BIDS AND AWARDING THE CONSTRUCTION CONTRACT FOR ESPERANZA SITE A, POTABLE WATER TANK MIXER PROJECT TO MGC CONTRACTORS, INC. FOR AN AMOUNT NOT TO EXCEED \$205,000; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

**D. CONSIDER RESOLUTION NO. 2024-R49; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH SCHNEIDER ENGINEERING FOR DESIGN OF NATURAL GAS AND ELECTRIC PRIMARY DISTRIBUTION LINES ALONG IH-10 AND BUC-EE'S WAY FOR AN AMOUNT NOT TO EXCEED \$65,000.**

Director Mann continued with the professional services contract with Schneider Engineering. He displayed a map of the area where gas and electric lines are currently located at Buc-ee's Way along IH-10 and also displayed the proposed area of relocation. Discussion ensued regarding underground utilities and

where gas and electric services terminate.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R49; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH SCHNEIDER ENGINEERING FOR DESIGN OF NATURAL GAS AND ELECTRIC PRIMARY DISTRIBUTION LINES ALONG IH-10 AND BUC-EE'S WAY FOR AN AMOUNT NOT TO EXCEED \$65,000. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

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

- A. PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-10; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2.1.E. - POSTED NOTICE, SECTION 2.6.7 - ETJ PLAT EXEMPTIONS, SECTION 3.5 - DIMENSIONAL STANDARDS FOR BASE ZONING DISTRICTS, SECTION 3.7 - PERMITTED USE TABLES, CHAPTER 3 - OVERLAY DISTRICTS RELATED TO PYLON SIGNS, CHAPTER 5.6.B.3 - ONSITE PARKING FOR NON-RESIDENTIAL PROPERTIES, SECTION 7.5 - ROADWAY ACCESS DESIGN STANDARDS, SECTION 8.2 - ENVIRONMENTAL DESIGN - WATERSHED PROTECTION RELATED TO LOW IMPACT DEVELOPMENT REQUIREMENTS, CHAPTER 9 - SIGNS RELATED TO POLE AND PYLON SIGNS. (Postponement of the public hearing and consideration of ordinance)**

The public hearing and consideration of the ordinance was postponed to a future date.

## **B. DISCUSSION ON BUDGET CONSIDERATIONS, PROCESS, AND CALENDAR**

Mayor Ritchie called on City Manager Ben Thatcher to review the budget process. He also discussed the framework and provided an overview. Finance

Director Sarah Buckelew spoke regarding guiding principles, budget priorities, and provided an economical outlook. Discussion ensued regarding the Kendall Appraisal District.

**C. DISCUSSION ON POTENTIAL HOME RULE CHARTER REVIEW**

Mayor Ritchie initiated a discussion on potentially reviewing Boerne's Home Rule Charter, focusing on election procedures, term lengths, and term limits. He called on Lori Carroll, City Secretary to provide information regarding the Home Rule Charter. Council members expressed varying opinions on term limits but generally supported extending terms to three years. Council also discussed increasing the monthly stipends. The council considered forming a charter review commission or conducting the review themselves with public meetings. The discussion concluded with a plan to move forward for a November 2024 election, each council member inviting one city resident to participate.

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

Mayor Ritchie called on City Manager Thatcher.

**A. MONTHLY PROJECTS REPORT.**

City Manager Thatcher provided the status of various city projects.

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

Mayor Pro Tem Wolosin acknowledged the achievements of Boerne ISD athletes participating in the College World Series and Olympic trials. He also spoke on the new show on Boerne Radio called Ceasefire with Dale Adams and Ron Cisneros.

Council Member Macaluso congratulated those involved in the success of Das Festival.

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

Mayor Ritchie convened the City Council into Executive Session at 7:52 p.m.

- A. SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (HIGHWAY 46)**

No action was taken.

- B. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, BOERNEBAK, LLC, AND BOERNEBAK II, LLC AND PULTE HOMES OF TEXAS LP.**

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 8:09 p.m. No action was taken.

**12. ADJOURNMENT**

Mayor Ritchie adjourned the City Council Meeting at 8:10 p.m.

Approved:

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Mayor



Attest:

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City Secretary