

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**July 26, 2022 – 6:00 PM**

Minutes of the Regular Called City Council meeting of July 26, 2022.

**Present:**        5 - Mayor Pro Tem Ty Wolosin, Council Member Nina Woolard,  
Council Member Quinten Scott, Council Member Bryce  
Boddie, and Council Member Joseph Macaluso

**Excused:**        1 - Mayor Tim Handren

**Staff Present:** Ben Thatcher, Jesse Aguirre, Siria Arreola, Jeff Carroll, Lori Carroll, Sheldon Cravey, Susan Finch, Laura Haning, Mick McKamie, Mike Mann, Nick Montagno, Collin Rogers, Chris Shadrock, Steve Simon, Kristy Stark, and Danny Zincke.

**Recognized/Registered Guests:** Christina Ryrholm, Joe W. Ribotto, Bobby Balli, Robert Imler, Jason Folks, and Allison Snyder.

**1. CALL TO ORDER – 6:00 PM**

Mayor Pro Tem Wolosin called the City Council meeting to order at 6:00 p.m.

Mayor Pro Tem Wolosin asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and the Texas Flag.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

**3. PUBLIC COMMENTS:**

Joe Ribotto, 131 Cinnamon Creek in the Ranches at Creekside subdivision stated he was recently elected to an Ad Hoc committee as part of the Home

Owners Association of Ranches at Creekside. It is the committees preference to have input on any improvements to the subdivision. The committee will provide a list of recommendations to the City Council.

Robert Imler, 3 Sky Rose Ranch Road stated he was opposed to any economic development agreements offered to developers. He also brought to the attention of the city council members regarding recent legislature requiring entities to post development agreements on the State Comptroller's website to give access to the public.

#### **4. CONSENT AGENDA:**

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

#### **A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON JULY 12, 2022.**

THE MINUTES WERE APPROVED.

#### **B. CONSIDER ON SECOND READING ORDINANCE NO. 2022-22; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 22, UTILITIES, BY REPEALING AND REPLACING DIVISION 3. CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM, SECTIONS 22-62 THROUGH SECTION 22-84, AND ESTABLISHING A CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM FOR THE CITY OF BOERNE POTABLE WATER AND RECLAIMED WATER DISTRIBUTION SYSTEM; PROVIDING FOR A MAXIMUM PENALTY OF \$2,000 FOR EACH VIOLATION OF THIS ORDINANCE.**

THE ORDINANCE WAS APPROVED.

#### **C. CONSIDER ON SECOND READING ORDINANCE NO. 2022-23; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF**

ORDINANCES, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-31. WATER FOR CONSTRUCTION GENERALLY; SEC. 22-40. YEAR-ROUND WATER CONSERVATION MEASURES; SEC. 22-51. GENERALLY; SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS); SEC. 22-56. DROUGHT RESPONSES STAGES; SEC. 22-57. DESIGNATED OUTSIDE WATER USE DAYS; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$1,000 FOR VIOLATIONS OF THE ORDINANCE (Update water conservation Stage I, II, and III)

THE ORDINANCE WAS APPROVED.

**REGULAR AGENDA:**

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

- A. CONSIDER ON FIRST READING ORDINANCE NO. 2022-24; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL BUILDING CODE 2021 EDITION; ARTICLE III, MECHANICAL CODE, SECTIONS 5-61, ADOPTING THE INTERNATIONAL MECHANICAL CODE 2021 EDITION; ARTICLE IV GAS, SECTION 5-86 ADOPTING THE INTERNATIONAL FUEL GAS CODE 2021 EDITION; ARTICLE V, PLUMBING, SECTIONS 5-111, ADOPTING THE INTERNATIONAL PLUMBING CODE 2021 EDITION; ARTICLE VI, EXISTING BUILDING CODE, SECTION 5-136, ADOPTING THE INTERNATIONAL EXISTING BUILDINGS CODE 2021 EDITION; ARTICLE VII, ELECTRICAL CODE, SECTION 5-232, ADOPTING THE NATIONAL ELECTRIC CODE 2020 EDITION; ARTICLE VIII, LIFE SAFETY CODE, SECTION 5-326, ADOPTING THE LIFE SAFETY CODE 2021 EDITION; ARTICLE X, HOUSING CODE, SECTION 5-266, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2021 EDITION; AND CHAPTER 8, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION CODE, SECTION 8-36, ADOPTING THE INTERNATIONAL FIRE CODE 2021 EDITION; PROVIDING FOR A

**PENALTY OF NOT MORE THAN \$2,000 FOR EACH VIOLATION OF THE FIRE PREVENTION CODE. (Amend the building code sections and fire code from the 2009 Edition to current editions)**

Mayor Pro Tem Wolosin called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning reviewed the proposed amendments to the ordinance, adopting the most current building codes and fire codes. Ms. Haning stated that the processes will remain the same, the inspectors will just be inspecting to the new codes.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE TO APPROVE ON FIRST READING ORDINANCE NO. 2022-24; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL BUILDING CODE 2021 EDITION; ARTICLE III, MECHANICAL CODE, SECTIONS 5-61, ADOPTING THE INTERNATIONAL MECHANICAL CODE 2021 EDITION; ARTICLE IV GAS, SECTION 5-86 ADOPTING THE INTERNATIONAL FUEL GAS CODE 2021 EDITION; ARTICLE V, PLUMBING, SECTIONS 5-111, ADOPTING THE INTERNATIONAL PLUMBING CODE 2021 EDITION; ARTICLE VI, EXISTING BUILDING CODE, SECTION 5-136, ADOPTING THE INTERNATIONAL EXISTING BUILDINGS CODE 2021 EDITION; ARTICLE VII, ELECTRICAL CODE, SECTION 5-232, ADOPTING THE NATIONAL ELECTRIC CODE 2020 EDITION; ARTICLE VIII, LIFE SAFETY CODE, SECTION 5-326, ADOPTING THE LIFE SAFETY CODE 2021 EDITION; ARTICLE X, HOUSING CODE, SECTION 5-266, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2021 EDITION; AND CHAPTER 8, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION CODE, SECTION 8-36, ADOPTING THE INTERNATIONAL FIRE CODE 2021 EDITION; PROVIDING FOR A PENALTY OF NOT MORE THAN \$2,000 FOR EACH VIOLATION OF THE FIRE PREVENTION CODE. (AMEND THE BUILDING CODE SECTIONS AND FIRE CODE FROM THE 2009 EDITION TO CURRENT EDITIONS) THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**Absent:** 1 - Mayor Handren

## 6. RESOLUTIONS

- A. RECEIVE BIDS FOR FULLY INSURED MEDICAL AND CONSIDER RESOLUTION NO. 2022-R30; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR CITY EMPLOYEE MEDICAL HEALTH INSURANCE BENEFITS TO \_\_\_\_\_; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT AND DOCUMENTS. (Medical benefits for City employees)**

Mayor Pro Tem Wolosin called on Ms. Susan Finch, Human Resources Director. Ms. Finch stated because of the premium increase to the employee's medical insurance and the employee's less than favorable experience with Humana, the city chose to send out Request for Proposals (RFP's). Three proposals were received with Blue Cross Blue Shield providing the most favorable benefit.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY COUNCIL MEMBER SCOTT, TO RECEIVE BIDS FOR FULLY INSURED MEDICAL AND APPROVE RESOLUTION NO. 2022-R30; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR CITY EMPLOYEE MEDICAL HEALTH INSURANCE BENEFITS TO BLUE CROSS BLUE SHIELD OF TEXAS; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT AND DOCUMENTS. (MEDICAL BENEFITS FOR CITY EMPLOYEES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- B. CONSIDER RESOLUTION NO. 2022-R31; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND GUARDIAN FOR CITY EMPLOYEES' ANCILLARY INSURANCE PRODUCTS. (Vision, dental, life, disability, and mental health benefits for employees)**

Ms. Finch continued with information on the employee's ancillary insurance

products. In an effort to give employees additional provider options on dental and vision insurance, and to provide the addition of a Mental Health benefit, modifications are proposed with the current carrier Guardian.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2022-R31; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND GUARDIAN FOR CITY EMPLOYEES' ANCILLARY INSURANCE PRODUCTS. (VISION, DENTAL, LIFE, DISABILITY, AND MENTAL HEALTH BENEFITS FOR EMPLOYEES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**C. CONSIDER RESOLUTION NO. 2022-R32; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE MENDER CREEK AT OLD SAN ANTONIO ROAD BRIDGE PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,018,691.00.**

Mayor Pro Tem Wolosin called on Development Services Director Jeff Carroll. Mr. Carroll displayed the location of the Old San Antonio Road bridge that easily floods. This property was identified in the Drainage Masterplan. Halff Associates, Inc. is familiar with the city's drainage projects and staff recommends entering into agreement for engineering design, and construction phase services. The project includes sidewalks, environmental, intersections and bridge design. This is a cost sharing project with Kendall County using ARPA funds.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2022-R32; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE MENDER CREEK AT OLD SAN ANTONIO ROAD BRIDGE PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,018,691.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**D. CONSIDER RESOLUTION NO. 2022-R33; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR WATER AND WASTEWATER IMPACT FEE UPDATE FOR AN AMOUNT NOT TO EXCEED \$32,340.00. (Update of the land use assumptions and Capital Improvements Plan for water, wastewater, and reclaimed water impact fees)**

Mayor Pro Tem Wolosin called on Utilities Director Mike Mann. Mr. Mann reviewed the impact fee program, noting that the Impact Fee Advisory Committee is also the Planning and Zoning Commission. The recommendation from the committee is to update the land use assumptions and capital improvements plan for water, wastewater, and reclaimed water impact fees. Staff has negotiated a task order with HDR Engineering, Inc. to provide the necessary professional services.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2022-R33; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR WATER AND WASTEWATER IMPACT FEE UPDATE FOR AN AMOUNT NOT TO EXCEED \$32,340.00. (UPDATE OF THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN FOR WATER, WASTEWATER, AND RECLAIMED WATER IMPACT FEES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**E. CONSIDER RESOLUTION NO. 2022-R34; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CITY OF BOERNE, TEXAS DEPOSIT AGREEMENT FOR THE RANCHES AT CREEKSIDE PUBLIC IMPROVEMENT DISTRICT; AND RESOLVING OTHER MATTERS RELATED THERETO. (Green Land Ventures, Ltd.)**

Mayor Pro Tem Wolosin called on Mr. Nick Montagno, Assistant to the City Manager. Mr. Montagno reviewed the proposed Public Improvement District (PID) deposit agreement with Green Land Ventures, Ltd. utilizing P3Works as the administrator.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2022-R34; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CITY OF BOERNE, TEXAS DEPOSIT AGREEMENT FOR THE RANCHES AT CREEKSIDE PUBLIC IMPROVEMENT DISTRICT; AND RESOLVING OTHER MATTERS RELATED THERETO. (GREEN LAND VENTURES, LTD.). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**F. CONSIDER RESOLUTION NO. 2022-R35; A RESOLUTION OF THE**



**CITY COUNCIL OF THE CITY OF BOERNE, TEXAS; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CITY OF BOERNE, TEXAS PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC IMPROVEMENT DISTRICT ADMINISTRATION SERVICES; AND RESOLVING OTHER MATTERS RELATED THERETO. (Administration Services Agreement with P3Works, LLC)**

Mr. Montagno continued with the Professional Services Agreement with P3Works for the Public Improvement (PID) administration services. Mr. Montagno stated that at the next city council meeting, the city council will need to consider setting up the deposit account for the Ranches at Creekside PID.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2022-R35; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CITY OF BOERNE, TEXAS PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC IMPROVEMENT DISTRICT ADMINISTRATION SERVICES; AND RESOLVING OTHER MATTERS RELATED THERETO. (ADMINISTRATION SERVICES AGREEMENT WITH P3WORKS, LLC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

## **7. OTHER ITEMS:**

### **A. DISCUSSION ON UTILITY CONSERVATION INCENTIVES.**

Mayor Pro Tem Wolosin called on Utilities Director Mike Mann to discuss potential utility conservation incentives. Mr. Mann proposed several conservation sources and rebates. Council Members were asked for feedback to include in the next fiscal year budget if incentives or rebates are recommended.

**8. PRESENTATION****A. MONTHLY PROJECTS REPORT.**

Mayor Pro Tem Wolosin called on City Manager Thatcher. Mr. Thatcher reviewed the status of current city projects.

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

Mayor Pro Tem Wolosin expressed appreciation to the Utility Department staff, having to work in the excessive heat.

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

Mayor Pro Tem Wolosin convened the City Council into Executive Session at 7:43 p.m.

**A. SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY, DISCUSSION ON VALUE OF LAND, IMPROVEMENTS, AND POSSIBLE SALE OF FORMER CITY HALL BUILDING. (402 E Blanco Rd.)**

No action was taken.

**B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: CONSIDERATION OF OFFER OF FINANCIAL INCENTIVES TO A COMMERCIAL ENTITY CONSIDERING DEVELOPMENT WITHIN THE CITY LIMITS. (Brazos de Santos)**

No action was taken.

**11. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

Mayor Pro Tem Wolosin reconvened the City Council into Open Session at 7:58 p.m.

**A. CONSIDER RESOLUTION NO. 2022-R36; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND BRAZOS DE SANTOS PARTNERS.**

Mayor Pro Tem Wolosin called on Assistant to the City Manager Nick Montagno to provide the background on the incentive agreement with Brazos De Santos Partners.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2022-R36; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND BRAZOS DE SANTOS PARTNERS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**12. ADJOURNMENT**

Mayor Pro Tem Wolosin adjourned the City Council at 8:00 p.m.

Approved:

\_\_\_\_\_  
Mayor

**Attest:**

\_\_\_\_\_  
City Secretary