

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
February 27, 2024 – 6:00 PM

Minutes of the Regular Called City Council Meeting of February 27, 2024.

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, Christopher Dingman, Mike Mann, Nick Montagno, Steve Perez, Mike Raute, Chris Shadrock, Kelly Skovbjerg, and Kristy Stark. Carvan Adkins, attorney with TOASE.

Recognized/Registered Guests: Mike Luckey, Ruben Mendez, Susan Mendez, Gary Redfern, Carlin Friar, Susan Friar, Ben Adam, Stephen Johnson, Lindsey Tucker, James Maguire, Seth Kuehn, Jeremy Pratt, and Kathleen Perez.

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.

3. PUBLIC COMMENTS:

Ruben Mendez, 7 Canario Lane stated that he is a Pastor. He spoke regarding

National Day of Prayer. A breakfast will be held at The Center in observance of National Day of Prayer.

Susan Mendez, 7 Canario Lane spoke regarding the benefits of prayer.

Gary Redfern, 242 English Oaks spoke regarding bulk pickup. He is concerned with items sitting on the curb for a month. He suggested an ordinance addressing bulk pickup.

Jeremy Pratt, 130 Rock Canyon expressed concerns with water running on the street when the fire hydrants are flushed. He suggested the water be pumped into a truck and taken to the creek or lake.

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: 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 FEBRUARY 13, 2024.

THE MINUTES WERE APPROVED.

B. CONSIDER RESOLUTION NO. 2024-R12; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR A SAFE STREETS AND ROADS FOR ALL (SS4A) SUPPLEMENTAL PLANNING AND DEMONSTRATION GRANT APPLICATION SUPPORT FOR AN AMOUNT NOT TO EXCEED \$14,600.00. (SS4A grant application submittal)

THE RESOLUTION WAS APPROVED.

C. CONSIDER RESOLUTION NO. 2024-R13; A RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A THREE-YEAR AGREEMENT BETWEEN THE CITY OF BOERNE AND AOKA ENGINEERING LLC DBA: AOKA CODE CONSULTING TO PROVIDE PROFESSIONAL SERVICES, ARCHITECTS, ENGINEERS, AND BUILDING OFFICIALS FOR AN AMOUNT NOT TO EXCEED \$50,000.00 ANNUALLY. (Building Plan Review and Inspections)

THE RESOLUTION WAS APPROVED.

- D. CONSIDER RESOLUTION NO. 2024-R14; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND LCRA TRANSMISSION SERVICES FOR SUBSTATION INSPECTION, MAINTENANCE AND TESTING (2024-2029) OF THE CITY'S ELECTRIC UTILITY FEEDER LINE BREAKERS LOCATED WITHIN THE MENDER CREEK AND BOERNE ELECTRIC SUBSTATIONS FOR AN AMOUNT NOT TO EXCEED \$62,429.00. (Inspection and testing of City feeder line breakers in the LCRA owned Menger Creek and Boerne Electric Substations.)

THE RESOLUTION WAS APPROVED.

- E. CONSIDER RESOLUTION NO. 2024-R15; A RESOLUTION ADOPTING THE 2024 CITY OF BOERNE ROLLING TEN-YEAR PLAN.

THE RESOLUTION WAS APPROVED.

- F. RECEIVE THE RECOMMENDATION FROM THE BOERNE PUBLIC LIBRARY ADVISORY BOARD AND CONSIDER RESOLUTION NO. 2024-R16; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, APPROVING AMENDMENTS TO THE BYLAWS OF THE BOERNE PUBLIC LIBRARY ADVISORY BOARD.

THE AMENDMENTS TO THE BYLAWS WERE APPROVED.

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. PUBLIC HEARING AND CONSIDER AN APPEAL OF A VESTED RIGHTS DETERMINATION OF THE CITY MANAGER FOR THE

PROPERTY AT 227 WANDA STREET. (One of one public hearing)

Mayor Ritchie called on Mr. Nathan Crane, Planning Director to review the process for a vested rights appeal. He provided information on the subdivision location and a summary of facts of the request.

Mayor Ritchie called on the applicant. Michael Johnson stated he is one of the property owners of 227 Wanda Street and will speak on behalf of the applicant. He provided an overview of the proposed project and issues related to the vested rights appeal.

Discussion ensued regarding the Creative Alternative which was approved by the Planning and Zoning Commission in 2014, the five year timeline related to dormancy referenced in the Local Government Code and the Unified Development Code, variances, attorney's legal opinion, and setting precedence.

Mayor Ritchie opened the Public Hearing at 6:53 p.m.

Mike Luckey, 110 Walters Road stated that council can approve a variance today so the project can move forward.

Mayor Ritchie closed the Public Hearing at 6:54 p.m.

City Council continued discussion.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WRIGHT, TO APPROVE THE APPEAL OF A VESTED RIGHTS DETERMINATION OF THE CITY MANAGER FOR THE PROPERTY AT 227 WANDA STREET. (ONE OF ONE PUBLIC HEARING). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Wright, Council Member Scott, and Council Member Bunker

Nay: 2 - Mayor Pro Tem Wolosin, and Council Member Macaluso

6. RESOLUTIONS:

A. CONSIDER RESOLUTION NO. 2024-R17; A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REQUESTING THE TRANSFER OF THAT CERTAIN 1.934 ACRES OF PUBLIC ROADWAY DESCRIBED HEREIN ON EXHIBIT "A" FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO THE CITY OF BOERNE. (1.934 acre IH 10 Right of Way from TxDOT)

Mayor Ritchie called on Mr. Jeff Carroll, Engineering and Mobility Director. Mr. Carroll explained that a portion of the IH-10 realignment creates excess Right of Way that TxDOT no longer requires which can be transferred to the city for use of public roadway. Resolution 2024-R17 is part of the TxDOT process to transfer the 1.934 acres to the city which will required final approval from the TxDOT Commission in Austin.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2024-R17; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REQUESTING THE TRANSFER OF THAT CERTAIN 1.934 ACRES OF PUBLIC ROADWAY DESCRIBED HEREIN ON EXHIBIT "A" FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO THE CITY OF BOERNE. (1.934 ACRE IH 10 RIGHT OF WAY FROM TXDOT). 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. OTHER:

A. RECEIVE THE BOERNE POLICE DEPARTMENT 2023 ANNUAL REPORT AND THE ANNUAL REPORT ON RACIAL PROFILING.

Mayor Ritchie called on Police Chief Steve Perez to review the annual racial profiling report which is a requirement of the Texas Commission on Law Enforcement. Chief Perez also reviewed the annual police report which includes dispatch statistics, crime statistics, traffic statistics, and animal control statistics. He also discussed the annual awards recognizing top police officers and dispatchers. Discussion ensued regarding license plate readers.

8. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Ben Thatcher.

A. CHAT BOT PRESENTATION.

City Manager Thatcher asked Mr. Chris Shadrock, Communications Director to provide information on Chatbot. Mr. Shadrock explained that Chatbot is an artificial intelligence (AI) program that is used to assist in customer service to handle common inquiries and provide 24/7 support. He provided a demonstration of how Chatbot will pull information from the city's website. The information that is provided by AI will keep up to date as the website is updated. Staff will be contacted if an answer is not available. It is anticipated that launch will take place February 29, 2024. Customer Care and Billing's live chat will continue during the workweek.

B. MONTHLY PROJECTS REPORT.

City Manager Thatcher provided an update on various city projects. He mentioned to city council that the March 12, 2024 city council meeting may be cancelled due to a lack of agenda items.

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

Mayor Pro Tem Wolosin wished the High School basketball teams good luck in the playoffs. He hoped everyone in the Texas Panhandle is kept safe during the wildfire.

City Manager Thatcher stated the Boerne has sent two firefighters to assist with the Panhandle fire.

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

Mayor Ritchie convened the city council into Executive Session at 7:36 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.**

**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 8:05 p.m.

No action was taken.

12. ADJOURNMENT

Mayor Ritchie adjourned the city council meeting at 8:07 p.m.

Approved:

Mayor

Attest:

City Secretary