

AGENDA
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
January 26, 2021 – 6:00 PM

Due to the COVID-19 pandemic, this meeting is being held telephonically only as allowed by the Governor of Texas during this public health emergency. Please do not attend the meeting in person.

You may join the City Council Meeting:

Join Zoom Meeting by computer:

<https://us02web.zoom.us/j/83951444671?>

pwd=KzhpdDMwSDRXQWd1K1ZuTlhPRzdrZz09

Meeting ID: 839 5144 4671

Passcode: 9511249

or dial by phone:

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 839 5144 4671

During the meeting, the City Council may meet in executive session, as to the posted subject matter of this City Council meeting, under these exceptions of Chapter 551 of the Texas Government Code; sections 551.071 (Consultation with Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Gifts), 551.074 (Personnel/Officers), 551.076 (Deliberation Regarding Security Devices), and Section 551.087 (Deliberation Regarding Economic Development Negotiations).

1. CALL TO ORDER – 6:00 PM

ROLL CALL

2. CONFLICTS OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue, in compliance with LGC Section 551.007. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

- A. [2021-147](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON JANUARY 12, 2021.

Attachments: [Minutes.21.0112](#)

- B. [2021-144](#) CONSIDER RESOLUTION NO. 2021-R03; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND BOERNE YOUTH ATHLETIC ASSOCIATION FOR THE BATTING CAGES AT NORTHRUP PARK.

Attachments: [AIS Boerne Little League Ground Lease Batting Cages Resolution No. 2021-R03](#)
[BYAA Ground Lease 2021](#)
[Batting cages Exhibit A](#)
[Batting Cages Project - Proposed Enhancements](#)

REGULAR AGENDA:

5. PUBLIC HEARINGS, PRESENTATIONS, AND ORDINANCES:

- A. [2021-130](#) PUBLIC HEARING TO CONSIDER PROPOSED ANNEXATION OF THE FOLLOWING ROADWAYS OR RIGHT-OF-WAY AT THE REQUEST OF THE KENDALL COUNTY (Second of two hearings):

Attachments: [AIS-CountyRoadAnnexations](#)
[Public Hearing Notice](#)
[COB road annexation letter](#)

- a. [2021-131](#) RANGER CREEK ROAD - FROM THE SOUTHWEST CORNER OF BOERNE WATER TREATMENT PLANT PARCEL, APPROXIMATELY 5,890 FEET WEST OF IH10, IN A WESTERN DIRECTION APPROXIMATELY 4,630 FEET TO THE SOUTHWEST CORNER OF LAKE COUNTRY SUBDIVISION.

Attachments: [Ranger Creek Rd - Council Map](#)

- b. [2021-132](#) UPPER BALCONES ROAD NORTHERN PORTION - FROM A POINT APPROXIMATELY 150 FEET SOUTH OF THE INTERSECTION OF UPPER BALCONES AND COUGHRAN ROAD, IN A SOUTHERN DIRECTION, APPROXIMATELY 820 FEET.

Attachments: [Upper Balcones Rd - Council Map](#)

- c. [2021-133](#) UPPER BALCONES ROAD SOUTHERN PORTION - FROM A POINT APPROXIMATELY 1,340 FEET SOUTH OF THE INTERSECTION OF UPPER BALCONES AND COUGHRAN ROAD, IN A SOUTHERN DIRECTION, APPROXIMATELY 1,420 FEET.

Attachments: [Upper Balcones Rd - Council Map](#)

- d. [2021-134](#) E. SHOOTING CLUB ROAD - THE PORTION SOUTHEAST OF SISTERDALE ROAD (FM 1376).

Attachments: [Shooting Club Rd - Council Map](#)

- e. [2021-135](#) OLD SAN ANTONIO ROAD NORTHERN PORTION - FROM A POINT APPROXIMATELY 2,710 FEET SOUTH OF THE INTERSECTION OF OLD SAN ANTONIO ROAD AND HERFF ROAD, IN A SOUTHERN DIRECTION APPROXIMATELY 1,390 FEET.

Attachments: [Old San Antonio Rd - Council Map](#)

- f. [2021-136](#) OLD SAN ANTONIO ROAD SOUTHERN PORTION - FROM A POINT APPROXIMATELY 390 FEET NORTH OF THE INTERSECTION OF OLD SAN ANTONIO ROAD AND INDUSTRIAL DRIVE, IN A SOUTHERN DIRECTION APPROXIMATELY 685 FEET.

Attachments: [Old San Antonio Rd - Council Map](#)

- g. [2021-137](#) CASCADE CAVERN ROAD - FROM THE INTERSECTION OF CASCADE CAVERNS ROAD AND OLD FREDERICKSBURG ROAD, APPROXIMATELY 680 FEET WEST.

Attachments: [Cascade Caverns Rd @ Old Fredericksburg Rd - Council Map](#)

6. CITY MANAGER'S REPORT:

- A. [2021-138](#) MONTHLY PROJECT UPDATE

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

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

- A. [2021-139](#) SECTION 551.071 - TO CONSULT WITH THE CITY ATTORNEY REGARDING MATTERS FOR WHICH IT IS THE DUTY OF THE CITY ATTORNEY TO DISCUSS WITH THE CITY COUNCIL IN A CLOSED SESSION INVOLVING LEGAL MATTERS RELATED TO THE NEGOTIATION OF AN AMENDMENT TO THE CALDER DEVELOPMENT AGREEMENT AND A RELATED EASEMENT TERMINATION AGREEMENT WITH MENDER DEVELOPMENT, LLC, AND BOERNE COMMONS, LTD.
- B. [2021-140](#) SECTION 551.071 - TO CONSULT WITH THE CITY ATTORNEY ON MATTERS WHICH THE CITY ATTORNEY HAS A DUTY TO DISCUSS WITH CITY COUNCIL IN CLOSED SESSION RELATED TO LEGAL PROCESS FOR ZONING REQUESTS FORWARDED TO CITY COUNCIL FROM THE PLANNING AND ZONING COMMISSION.

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

- A. [2021-141](#) CONSIDER RESOLUTION NO. 2021-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE, MENDER DEVELOPMENT, LLC, J-B BOERNE REALTY, LLC, AND BOERNE COMMONS, LTD, AMENDING THE DEVELOPMENT AGREEMENT DATED EFFECTIVE MARCH 9, 2009, BETWEEN THE CITY OF BOERNE AND THE ESTATE OF JUDY LEFTWICH CALDER, AS AFFECTED BY LETTER AGREEMENT DATED AUGUST 31, 2018.

Attachments: [Resolution No. 2021-R04](#)

- B. [2021-142](#) CONSIDER RESOLUTION NO. 2021-R05; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF BOERNE, MENDER DEVELOPMENT, LLC, AND BOERNE COMMONS, LTD. TERMINATING AND RELEASING THE FOLLOWING EASEMENTS PREVIOUSLY GRANTED TO THE CITY OF BOERNE AND RECORDED IN THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS: THE DRAINAGE EASEMENT GRANTED BY INSTRUMENT DATED DECEMBER 7, 2018, RECORDED IN VOLUME 1671, PAGE 641, THE DRAINAGE EASEMENT GRANTED BY INSTRUMENT DATED JUNE 27, 2019, RECORDED IN VOLUME 1699, PAGE 59, THE VEHICULAR, PEDESTRIAN AND UTILITY EASEMENT GRANTED AS PART OF A

SPECIAL WARRANTY DEED BY INSTRUMENT DATED DECEMBER 29, 2017 RECORDED IN VOLUME 1614, PAGE 1028, AND, PROVIDED CERTAIN CONDITIONS ARE MET, RELEASING AN OVERHEAD ELECTRICAL EASEMENT SHOWN ON A TITLE SURVEY AS CROSSING TRACTS OWNED BY MENGER DEVELOPMENT, LLC AND BOERNE COMMONS, LTD.

Attachments: [Resolution No. 2021-R05](#)

10. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 22nd day of January, 2021 at 5:00 p.m.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

Requests for auxiliary aides and special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.