

AGENDA
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, Texas, 78006
February 23, 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/82558127530?>

pwd=czZWOHZnZWZwRjl3RDNpZldTa0hWUT09

Meeting ID: 825 5812 7530

Passcode: 4471677

or dial by phone:

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 825 5812 7530

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. [2021-208](#)

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)

Presenter: Tim Handren

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. **2021-200** CONSIDER THE APPROVAL OF THE CITY COUNCIL MINUTES OF FEBRUARY 9, 2021

Presenter: City Secretary Lori Carroll

B. [2021-186](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-01; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY 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 THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (Ranger Creek Road - from the southwest corner of Boerne Water Treatment Plant parcel, approximately 5,890 feet west of IH 10, in a western direction approximately 4,630 feet to the southwest corner of Lake Country Subdivision, at the request of Kendall County)

Presenter: Development Director Jeff Carroll

C. [2021-187](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-02; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY 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 THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (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., and 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., at the request of Kendall County)

Presenter:

Development Director Jeff Carroll

- D. [2021-188](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-03; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY 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 THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (E. Shooting Club Road - the portion east of Sisterdale Road (FM 1376)., at the request of Kendall County)

Presenter:

Development Director Jeff Carroll

- E. [2021-189](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-04; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY 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 THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (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., and 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., at the request of

Kendall County)

Presenter: Development Director Jeff Carroll

- F. [2021-190](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-05; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY 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 THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (Cascade Cavern Road - from the intersection of Cascade Caverns Road and Old Fredericksburg Road, approximately 680 feet west., at the request of Kendall County)

Presenter: Development Director Jeff Carroll

- G. [2021-191](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-06; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, CHAPTER 13. MUNICIPAL COURT, REPEALING SECTIONS 13.10 THROUGH 13.14, ADOPTED BY ORDINANCE NO. 95-16 ON NOVEMBER 28, 1995, AND SECTION 13.15, ADOPTED BY ORDINANCE NO. 99-17 ON SEPTEMBER 28, 1999, RELATING TO THE MUNICIPAL COURT BUILDING SECURITY FUND AND THE MUNICIPAL COURT TECHNOLOGY FUND, NOW REGULATED BY ARTICLES 102.017 AND 102.174 OF THE TEXAS CODE OF CRIMINAL PROCEDURE; AND RENUMBERING THE REMAINING SECTIONS. (Remove Sections relating to Municipal Court Building Fund and Technology Fund now regulated by state law)

Presenter: Finance Director Sandy Mattick

- H. [2021-192](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-07; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 3.57 ACRES LOCATED AT 322 NORTH PLANT AVENUE (KAD NO. 19999) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT,

TO R-2, MODERATE DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Victor Sheely/ Source Texas, LLC)

Presenter: Planning & Community Development Director Laura Talley

- I. [2021-193](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-08; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 6.479 ACRES LOCATED IN THE COMMONS AT MENGER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Alan Naul/J-B Boerne Realty, LP)

Presenter: Planning & Community Development Director Laura Talley

- J. [2021-194](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-09; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) PLAN OVERLAY DISTRICT DESIGNATION TO THE INDIVIDUAL PROPERTY (6.479 ACRES) LOCATED IN THE COMMONS AT MENGER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Alan Naul/ J-B Boerne Realty, LP).

Presenter: Planning & Community Development Director Laura Talley

- K. [2021-203](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-10; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (as described below)

Presenter: Tim Handren

- L. 2021-196** CONSIDER ORDINANCE NO. 2021-10; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ADOPTING THE ENGINEERING DESIGN MANUAL.
- Presenter:** Development Director Jeff Carroll and Planning & Community Development Director Laura Talley
- M. 2021-206** RECEIVE AND CONSIDER CERTIFICATION OF UNOPPOSED CANDIDATES FOR MAYOR AND COUNCIL MEMBER DISTRICTS 2 AND 4.
- Presenter:** City Secretary Lori Carroll
- N. 2021-207** CONSIDER AN ORDER OF CANCELLATION FOR THE GENERAL ELECTION FOR MAYOR AND COUNCIL MEMBER DISTRICTS 2 AND 4.
- Presenter:** City Secretary Lori Carroll
- O. 2021-198** CONSIDER RESOLUTION NO. 2021-R06; A RESOLUTION AUTHORIZING THE CLOSURE OF A PORTION OF MAIN STREET (HWY 87) DURING CERTAIN HOURS FOR THE TEXAS CORVETTE ASSOCIATION SHOW AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION. (Close Main Street for the Corvette Show)
- Presenter:** Police Chief James Kohler

REGULAR AGENDA:

5. PUBLIC HEARINGS, PRESENTATIONS, AND ORDINANCES:

- A. 2021-195** PROPOSED REZONING OF 7.33 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007), 119 AND 125 ADLER STREET (KAD NO. 20009 AND 20010) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT. (Greenway Cottage Builders, LLC/ Dave Luciani, applicants original request was for R-2 zoning.)

I. PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-11; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 7.33 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007), 119 AND 125 ADLER STREET (KAD NO. 20009 AND 20010) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Presenter: Planning & Community Development Director Laura Talley

6. RESOLUTIONS:

- A. **2021-199** CONSIDER RESOLUTION NO. 2021-R07; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MASTER EQUITY LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND ENTERPRISE FM TRUST.

Presenter: Community Services Director Danny Zincke

- B. **2021-201** CONSIDER RESOLUTION NO. 2021-R08; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MAINTENANCE MANAGEMENT AGREEMENT AND FLEET RENTAL AGREEMENT BETWEEN THE CITY OF BOERNE AND ENTERPRISE FLEET MANAGEMENT, INC.

Presenter: Community Services Director Danny Zincke

- C. **2021-202** CONSIDER RESOLUTION NO. 2021-R09; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MAINTENANCE AGREEMENT BETWEEN THE CITY OF BOERNE AND ENTERPRISE FLEET MANAGEMENT, INC.

Presenter: Community Services Director Danny Zincke

7. CITY MANAGER'S REPORT:

- A. **2021-204** MONTHLY PROJECT UPDATE

Presenter: City Manager Ben Thatcher

B. 2021-205 NEIGHBORHOOD ENGAGEMENT PROGRAM (Haning)

Presenter: City Manager Ben Thatcher

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

9. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 19th day of
February, 2021 at 5:00 p.m.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

Requests for 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.