

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**124 Old San Antonio Road**  
**Boerne, TX 78006**  
**November 12, 2019 – 6:00 PM**

1. CALL TO ORDER – 6:00 PM

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one  
and indivisible.)

2. CONFLICTS OF INTEREST

3.     [2019-1082](#)     PRESENTATION OF “PIE IN THE SKY CAMPAIGN” BY YVETTE REYNA, EXECUTIVE DIRECTOR OF THE BOERNE EDUCATION FOUNDATION AND BOERNE INDEPENDENT SCHOOL DISTRICT COMMUNITY PARTNERSHIPS.

**Attachments:**     [AIS. Pies in the Sky Campaign](#)

4. 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)

5. 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.

- 5.A.   [2019-1090](#)     CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 22, 2019 AND THE SPECIAL CALLED CITY COUNCIL MEETING OF OCTOBER 24, 2019.

**Attachments:**     [Minutes 19.1022](#)  
                          [Minutes 19.1024](#)

- 5.B.   [2019-1056](#)     CONSIDER ON SECOND READING ORDINANCE NO. 2019-43; 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 0.5 ACRES LOCATED AT 32840 INTERSTATE 10 WEST (KAD NO. 26884) FROM I, INDUSTRIAL DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Kenneth W. Seamans)

**Attachments:** [Summary - Second Reading - 32840 IH10 West - Permanent Zoning Reque](#)  
[Ordinance No. 2019-43](#)  
[Location Map](#)  
[Aerial Map](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[Future Land Use Map](#)  
[I Uses](#)  
[B-2 Uses](#)

- 5.C. [2019-1057](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-44; 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 13, PERMANENT ZONING OF 0.545 ACRES LOCATED AT 19 OLD SAN ANTONIO ROAD (KAD NO. 15817) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Arvelene Ann Amari)

**Attachments:** [Summary - Second Reading - 19 Old San Antonio - Permanent Zoning Reg Ordinance No. 2019-44](#)  
[Location Map](#)  
[Aerial Map](#)  
[Future Land Use Map](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[R-A Uses](#)  
[Att 7 - B-1 Uses](#)

- 5.D. [2019-1058](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-45; 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 13, PERMANENT ZONING OF 1.899 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (KAD NO. 15816) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.  
(Jacob Obadia)

**Attachments:** [Summary - Second Reading - 21 Old San Antonio - Permanent Zoning Reg Ordinance No. 2019-45](#)  
[Location Map](#)  
[Aerial Map](#)  
[Future Land Use Map](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[R-A Uses](#)  
[B-1 Uses](#)

- 5.E. [2019-1059](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-47; 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 13, PERMANENT ZONING OF 2.372 ACRES LOCATED AT 34 HERFF ROAD (KAD NOS. 15868 AND 34998) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY

RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J Willis Harpole)

**Attachments:** [Summary - Second Reading - 34 Herff Road - Permanent Zoning Request Ordinance No. 2019-47](#)  
[Location Map](#)  
[Aerial Map](#)  
[Future Land Use Map](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[R-A Uses](#)  
[B-1 Uses](#)

5.F. [2019-1061](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-50; 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 13, PERMANENT ZONING OF 5.079 ACRES LOCATED AT 31001 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12292) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (VBM Boerne Land LLC, Toyota)

**Attachments:** [Summary - Second Reading - 31001 IH10 West - Permanent Zoning Request Ordinance No. 2019-50](#)  
[Location Map](#)  
[Aerial Map](#)  
[Future Land Use Map](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[R-A Uses](#)  
[I Uses](#)

5.G. [2019-1063](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-52; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO.

2018-42 CAPTIONED “AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT.”

**Attachments:** [Fee Ordinance AIS - 11-12-19](#)  
[Ordinance No. 2019-52](#)  
[Exhibit A. Fee Ordinance](#)  
[Code Enforcement Fee Survey](#)

- 5.H. [2019-1064](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-53; AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

**Attachments:** [TMRS. 2019 RPS Credits](#)  
[Ordinance No. 2019-53](#)

- 5.I. [2019-1095](#) CONSIDER RESOLUTION NO. 2019-R169; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE’S HOME RULE CHARTER. (Air compressor)

**Attachments:** [AIS Air Compressor.doc](#)  
[Resolution No. 2019-R169](#)

- 5.J. [2019-1094](#) CONSIDER RESOLUTION NO. 2019-R170; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PROGRESSIVE EMERGENCY PRODUCTS FOR SERVICE AND REPAIRS TO BARRICADES.

**Attachments:** [AIS. Low Water Crossing Barricades](#)  
[Resolution No. 2019-R170](#)  
[Progressive Fire Quote](#)

6. PUBLIC HEARING – To Hear Comments On The Following:

- 6.A. [2019-1067](#) PROPOSED REVISIONS TO THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 8, HISTORIC LANDMARK/HISTORIC DISTRICT PRESERVATION, ADDING SECTION 13, DEMOLITION OF HISTORIC STRUCTURES, AND AMENDING THE SUBSEQUENT SECTION NUMBERS.

**Attachments:** [Summary - Historic Demolition - Public Hearing](#)  
[Public Hearing Notice](#)  
[Zoning Ordinance - demolition of historic structures](#)

7. TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARINGS:

- 7.A. [2019-1083](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2019-54; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.

**Attachments:** [AIS. One time reading Historic District Preservation](#)

- 7.B. [2019-1068](#) CONSIDER ORDINANCE NO. 2019-54; 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 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 8, HISTORIC LANDMARK/HISTORIC DISTRICT PRESERVATION, SECTION 04. PROCEDURE FOR HISTORIC LANDMARK DESIGNATION; AND ADDING SECTION 13, DEMOLITION OF HISTORIC STRUCTURES, AND RENUMBERING THE SUBSEQUENT SECTIONS.

**Attachments:** [Summary - Historic Demolition - Action from Public Hearing Ordinance No. 2019-54](#)

8. [2019-1060](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-49; 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 13, PERMANENT ZONING OF 6.01 ACRES LOCATED AT 39 HERFF ROAD (KAD NOS. 63556 AND 63557) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL

ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE;  
AND DECLARING AN EFFECTIVE DATE. (Barbara K. Fellows)

**Attachments:** [Summary - Second Reading - 39 Herff Road- Permanent Zoning Request Ordinance No. 2019-49](#)  
[Location Map](#)  
[Aerial Map](#)  
[Future Land Use Map](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[R-A Uses](#)

9. [2019-1069](#) CONSIDER ON SECOND READING ORDINANCE NO. 2019-51; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF AUTOMOBILE SERVICE WITH OUTSIDE STORAGE IN AN I, INDUSTRIAL DISTRICT LOCATED AT 31001 INTERSTATE 10 WEST (KAD NO. 12292), A TOTAL OF 5.079 ACRES. (VBM Boerne Land LLC, Toyota)

**Attachments:** [Summary - Second Reading - 31001 IH10 Toyota Autobody - Use Request Ordinance No. 2019-51](#)  
[Location Map](#)  
[Aerial Map](#)  
[Proposed Zoning Map](#)  
[Toyota of Boerne Collision Center](#)

10. [2019-1084](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2019-55; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.

**Attachments:** [AIS. One time reading budget amendment](#)

11. [2019-1088](#) CONSIDER ORDINANCE NO. 2019-55; AN ORDINANCE AMENDING ORDINANCE NO. 2018-29, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2018-2019, BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019"

**Attachments:** [AIS Sept 2019 Budget amendment](#)  
[Ordinance No. 2019-55](#)  
[Budget amendments Sept 2019](#)

12. [2019-1091](#) RECEIVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2019.

**Attachments:** [AIS September 2019 Quarterly Financial Investment Report](#)  
[Quarterly Financial Report 9-30-19](#)

13. [2019-1097](#) RECEIVE BIDS AND AWARD CONTRACT FOR ESSER/ADLER ROAD ELECTRICAL FEEDER UPGRADE PROJECT AND CONSIDER RESOLUTION NO. 2019-R171; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND \_\_\_\_\_ FOR THE ESSER/ADLER ROAD ELECTRICAL FEEDER UPGRADE PROJECT.

**Attachments:** [AIS Esser\\_Adler Electric Feeder Replacement.doc](#)  
[Resolution No. 2019-R171](#)  
[Esser Recommendation Letter.pdf](#)  
[Esser Feeder Map.pdf](#)

14. [2019-1096](#) RECEIVE BIDS AND AWARD CONTRACT FOR WASTEWATER TREATMENT AND RECYCLING CENTER AND WASTEWATER TREATMENT PLANT FACILITY UPGRADES AND CONSIDER RESOLUTION NO. 2019-R172; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND \_\_\_\_\_ FOR THE WASTEWATER TREATMENT AND RECYCLING CENTER AND WASTEWATER TREATMENT PLANT FACILITY UPGRADES.

**Attachments:** [AIS WW Plant Improvements Bid.doc](#)  
[Resolution No. 2019-R172](#)  
[Boerne WWTP Improvements Bid Award Recommendation Ltr 10-11-19](#)  
[WWTRC BNR.WAS.WWTP UV Replacement BID RESULTS.pdf](#)

15. [2019-1093](#) RECEIVE BIDS AND AWARD CONTRACT FOR MOVING SERVICES FROM EXISTING CITY HALL TO NEW CITY HALL AND CONSIDER RESOLUTION NO. 2019-R173; AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND \_\_\_\_\_ FOR MOVING SERVICES FROM EXISTING CITY HALL TO NEW CITY HALL.



**Attachments:**    [AIS MOVING CITY HALL](#)  
[Resolution No. 2019-R173](#)

16.    [2019-1098](#)    CITY MANAGER’S REPORT DISCUSSION:  
                          A. INTRODUCTION OF JEFF CARROLL, DEVELOPMENT SERVICES  
                          DIRECTOR  
                          B. NEW CITY HALL UPDATE  
                          C. CHIP SEAL PARKING LOT AT CORNER OF MAIN STREET AND  
                          JOHNS ROAD  
                          D. DICKENS ON MAIN AND STOCKING STROLL  
                          E. SOUTH BOERNE BUSINESS SIGNAGE  
                          F. UNIFIED DEVELOPMENT CODE UPDATE  
                          G. BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT  
                          CORPORATION CONTRACT

**Attachments:**    [AIS. City Manager Report](#)

17. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.

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

18.A.    [2019-1086](#)    SECTION 551.071 - CONSULTATION WITH ATTORNEY AND  
                          SECTION 551.087 - DELIBERATION REGARDING ECONOMIC  
                          DEVELOPMENT NEGOTIATIONS. (WCID NO. 3 Update)

18.B.    [2019-1087](#)    SECTION 551.074 - PERSONNEL MATTERS: TO DELIBERATE THE  
                          APPOINTMENT, COMPENSATION AND DUTIES OF A CITY  
                          ATTORNEY.

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

19.A.    [2019-1065](#)    CONSIDER RESOLUTION NO. 2019-R174; A RESOLUTION  
                          AUTHORIZING THE CITY MANAGER TO EXECUTE A  
                          DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE,  
                          TEXAS AND BOERNEBAK, LLC AND BOERNEBAK II, LLC (WCID No.  
                          3).

**Attachments:**    [Resolution No. 2019-R174](#)

19.B.    [2019-1085](#)    CONSIDER APPOINTMENT TO THE POSITION OF CITY ATTORNEY  
                          AND AFFIX COMPENSATION AS PER CITY OF BOERNE CHARTER

SECTION 5.02.

20. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: CITY COUNCIL MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED ABOVE INCLUDING IF THEY MEET THE QUALIFICATIONS IN 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) OF CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.  
(If needed)

21. ADJOURNMENT

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s/s Ronald C. Bowman  
City Manager

**CERTIFICATION**

**I hereby certify that the above notice of meeting was posted on the 8th day of November, 2019 at 2:45 p.m.**

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s/s Lori A. Carroll  
City Secretary

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS**

**The Police / Municipal Court Complex is wheelchair accessible. Access to the building and special parking is available at the front entrance of the building. 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.