

AGENDA
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
August 25, 2020 – 6:00 PM

Facial Coverings Will Be Required

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. 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. [2020-496](#) CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 11, 2020.

Presenter: City Secretary Lori Carroll

B. [2020-489](#) CONSIDER ON SECOND READING ORDINANCE NO. 2020-20; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS ENTITLED "FLOOD DAMAGE PREVENTION"; SECTION 9-5. DEFINITIONS, SECTION 9-6. LANDS TO WHICH THIS ORDINANCE APPLIES, SECTION 9-7. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD

HAZARD AND LOCAL FLOODPLAIN; ARTICLE II. ADMINISTRATION, SECTION 9-42. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR, SECTION 9-44. VARIANCE PROCEDURES; ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION, SECTION 9-66. GENERAL STANDARDS, SECTION 9-67. SPECIFIC STANDARDS FOR A & AE ZONES, SECTION 9-68. STANDARDS FOR SUBDIVISION PROPOSALS, SECTION. 9-69. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES), SECTION 9-70. LOCAL FLOODPLAIN, 9-71. FLOODWAYS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY OF NOT MORE THAN \$1,000.00 FOR EACH VIOLATION. (Update to the Flood Damage Prevention Ordinance)

Presenter: Development Director Jeff Carroll

- C. [2020-204](#) CONSIDER RESOLUTION NO. 2020-R61; 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 PROFESSIONAL DESIGN AND CONSTRUCTION SERVICES FOR THE OAK PARK, FREY STREET, AND EAST BANDERA ROAD SIDEWALK IMPROVEMENTS. (Design, bid, and construction of sidewalks)

Presenter: Development Director Jeff Carroll

- D. [2020-259](#) CONSIDER RESOLUTION NO. 2020-R62; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND KLEIN & COPE ENGINEERING, INC. FOR PROFESSIONAL DESIGN AND CONSTRUCTION SERVICES OF THE BENTWOOD DRIVE SIDEWALK PROJECT. (Bentwood culvert expansion and sidewalk improvements)

Presenter: Development Director Jeff Carroll

- E. [2020-499](#) CONSIDER RESOLUTION NO. 2020-R63; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND JONES & CARTER, INC. FOR PROFESSIONAL DESIGN AND CONSTRUCTION SERVICES FOR THE ROSEWOOD AVENUE

SIDEWALK PROJECT. (Rosewood sidewalk improvements)

Presenter: Development Director Jeff Carroll

- F. [2020-498](#) CONSIDER RESOLUTION NO. 2020-R64; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND MAESTAS & ASSOCIATES, LLC FOR PROFESSIONAL DESIGN AND CONSTRUCTION SERVICES FOR THE CITY PARK ROAD SIDEWALK PROJECT. (City Park Road sidewalk improvement from River Rd. (SH 46) to Charger Boulevard.)

Presenter: Development Director Jeff Carroll

REGULAR AGENDA:

5. PUBLIC HEARINGS AND ORDINANCES:

- A. [2020-497](#) PROPOSED BUDGET FOR FISCAL YEAR 2020-2021.

I. STAFF PRESENTATION

II. PUBLIC HEARING (One of one hearing, final vote will be held at the Regular City Council Meeting on September 8, 2020 at 6:00 p.m.)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2020-21; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021.

Presenter: Finance Director Sandy Mattick

- B. [2020-495](#) PROPOSED USE OF A RESTAURANT WITH A DRIVE-THRU IN A B-3, CENTRAL BUSINESS DISTRICT LOCATED AT 101 SOUTH MAIN STREET. (KAD NO. 19906, Patrice Mainz, Black Rifle Coffee Company)

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2020-22; 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 A RESTAURANT WITH A DRIVE-THRU IN A B-3, CENTRAL BUSINESS DISTRICT LOCATED AT 101 SOUTH MAIN STREET.

Presenter: Planning & Community Development Director Laura Talley

6. RESOLUTIONS

- A. [2020-493](#) CONSIDER RESOLUTION NO. 2020-R65; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 8.869 ACRES OF LAND LOCATED AT 103 OLD SAN ANTONIO ROAD AND ADJOINING PORTION OF OLD SAN ANTONIO ROAD BY THE CITY OF BOERNE; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING; AND CONSIDER APPROVAL OF A MUNICIPAL SERVICE PLAN AGREEMENT. (At the request of William G. Graham, Fraser H. Graham, John J. Laroche)

Presenter: Planning & Community Development Director Laura Talley

7. [2020-494](#) CITY MANAGER'S REPORT:

A. WATER QUALITY TESTING (J Carroll)

B. PROJECTS UPDATE

Presenter: City Manager Ben Thatcher

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

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

- A. [2020-491](#) SECTION 551.071 CONSULTATION WITH CITY ATTORNEY AND SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY, DISCUSSION ON POSSIBLE SALE OF CITY HALL CAMPUS

PROPERTIES AND VALUE OF LAND.

Presenter: Development & Process Improvement Director Nick Montagno

- B. [2020-492](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION MATTER, CITY OF BOERNE VS. SURETEC INSURANCE COMPANY.

Presenter: City Attorney Barbara Quirk

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

11. 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)

12. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 21st day of August, 2020 at 5:00 p.m.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall 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.