

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**May 25, 2021 – 6:00 PM**

A quorum of the City Council will be present during the meeting at: 447 N Main, Boerne, TX 78006.

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

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.     [2021-464](#)           CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF MAY 11, 2021.

**Presenter:**       City Secretary Lori Carroll

- B.     [2021-463](#)     CONSIDER ON SECOND READING ORDINANCE NO. 2021-16; 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 MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ORDINANCE NO. 2021-09 AND ALL OTHER ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

**Presenter:**     Planning & Community Development Director Laura Haning

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A.     [2021-462](#)     CONSIDER ON SECOND READING ORDINANCE NO. 2021-17; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. PROCEDURES, TO ADD SECTION 09. DORMANCY FOR PERMITS AND PROJECTS. (Procedures determining vesting rights and dormancy for plats and projects)

**Presenter:**     Planning & Community Development Director Laura Haning

- B.     [2021-287](#)     CONSIDER ON FIRST READING ORDINANCE NO. 2021-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING A PENALTY PROVISION; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE. (Film Friendly Texas Program)

**Presenter:**     Convention & Visitors Bureau Director Larry Woods

6. RESOLUTIONS

- A. [2021-478](#) CONSIDER RESOLUTION NO. 2021-R18; A RESOLUTION RESCINDING RESOLUTION NO. 2000-R31; AND ESTABLISHING PROCEDURES AND DECORUM FOR THE CITY COUNCIL OF THE CITY OF BOERNE.

**Presenter:** City Secretary Lori Carroll

7. OTHER ITEMS:

- A. [2021-473](#) DISCUSSION REGARDING TRANSPORTATION PLANNING COMMITTEE.

**Presenter:** Tim Handren

8. CITY MANAGER'S REPORT:

- A. [2021-465](#) MONTHLY PROJECT UPDATE.

**Presenter:** City Manager Ben Thatcher

- B. [2021-466](#) LEGISLATIVE UPDATE. (Quirk)

**Presenter:** City Attorney Barbara Quirk

- C. [2021-467](#) UNIFIED DEVELOPMENT CODE UPDATE. (Haning)

**Presenter:** Planning & Community Development Director Laura Haning

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

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

- A. [2021-468](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH SPENCER RANCH AND SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING SAME.

**Presenter:** Development & Process Improvement Director Nick Montagno and Deputy City Manager Jeff Thompson

- B. [2021-469](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH TEXAS STAR NUT & FOOD CO.

**Presenter:** Development & Process Improvement Director Nick Montagno

- C. [2021-470](#) SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN

AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON.

**Presenter:** Deputy City Manager Jeff Thompson

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

- A. [2021-471](#) CONSIDER RESOLUTION NO. 2021-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE SPENCER RANCH DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, L.P., EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA.

**Presenter:** Deputy City Manager Jeff Thompson

ADJOURNMENT

#### CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 21st day of  
May, 2021 at 5:00 p.m.

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Lori A. Carroll  
City Secretary

#### NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall is wheelchair accessible. Access to the building and special parking is available at the northeast entrance of the building. 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.